



U.S. Department of Homeland Security

United States Coast Guard

Fifth Coast Guard District

LOCAL NOTICE TO MARINERS

Coastal Waters From Shrewsbury River, New Jersey to Little River, South Carolina

WEEKLY SUPPLEMENT

October 12, 2004

NIS watchstander, 24 hours a day at (703) 313-5900

INTERNET ADDRESS

[HTTP://www.navcen.uscg.gov](http://www.navcen.uscg.gov)

Weekly supplemental editions contain new information only available following the monthly edition. NOTE: Chart corrections and Light List changes appear only once each. A complete listing of current discrepancies and temporary changes appear in each issue. The **Local Notice to Mariners** is updated each Wednesday on the U.S. Coast Guard Navigation Center website at www.navcen.uscg.gov/lnm/d5. If you have questions about the LNM, contact:

COMMANDER, FIFTH COAST GUARD DISTRICT (oan)

431 Crawford Street, Portsmouth, Virginia, 23704-5004

Telephone (Day): (757)-398-6486. 24 Hour FAX: (757) 398-6303

BROADCAST NOTICE TO MARINERS

This section contains corrections to federal and private maintained Aids to Navigation, as well as NOS corrections. Navigation information having been of immediate concern to the Mariner and promulgated by the following **Broadcast Notice to Mariners (BNM's)** have been incorporated in this notice when still significant at the date of this publication.

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|----------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CCGD5 (D5) | D5 | 358-04, 359-04, 443-04, 444-04, 449-04, 454-04 THRU 463-04. |
| Group Philadelphia | PH | 320-03, 321-03, 026-04, 045-04, 101-04, 178-04, 208-04, 215-04, 231-04, 265-04, 294-04, 337-04, 338-04, 347-04, 351-04, 355-04. |
| Group Atlantic City | AC | 367-04, 368-04, 369-04, 377-04, 389-04. |
| Activities Baltimore | BA | 639-04, 640-04, 653-04, 654-04, 659-04, 667-04, 670-04, 679-04, 696-04, 701-04, 703-04, 704-04, 710-04, 712-04 THRU 718-04, 720-04, 722-04, 726-04, 732-04, 739-04, 741-04, 745-04, 751-04, 776-04, 777-04, 780-04, 789-04, 790-04, 798-04, 800-04 THRU 803-04. |
| Group Eastern Shore | ES | 138-04, 150-04, 152-04, 153-04. |
| Group Hampton Roads | HR | 461-04, 472-04 THRU 476-04. |
| Group Cape Hatteras | CH | 180-04 THRU 183-04. |
| Group Fort Macon | FM | 380-04, 383-04, 393-04, 396-04, 397-04, 398-04, 400-04. |

REFERENCES

Light List Reference: **ATLANTIC COAST, VOLUME II, COMDTPUB P16502.2, 2004 Edition**

U.S. Coast Pilot 3, Atlantic Coast: Sandy Hook to Cape Henry (37th) Edition

U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West (36th) Edition

All bearings are in degrees TRUE – All times are in Local Time unless otherwise noted.

NAVIGATION INTERNET SITES

| | |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Chart Corrections: | http://chartmaker.ncd.noaa.gov and http://www.maptech.com |
| 2004 Light List/ Summary of Corrections | http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm |
| Coast Pilot Corrections: | HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm |
| D5 LNM on Internet/Archived Back Issues for 2004: | HTTP://www.navcen.uscg.gov/lnm/d5 |
| Chesapeake Bay Weather Buoys: | Http://www.cbos.org/client.cgi |
| NOAA Weather Buoy sites: | http://seaboard.ndbc.noaa.gov/Maps/wrldmap.shtml |
| Tides On Line: | http://www.tidesonline.nos.noaa.gov |
| Tides, Currents, PORTS: | http://www.co-ops.nos.noaa.gov |
| ACOE Wilmington NC Navigation Link for NC portions Of the AAICW and coastal inlet depths (updated weekly) | http://www.saw.usace.army.mil/nav/Depths/shoaling3-10-04.pdf |
| Weather: | http://www.intellicast.com/ |
| LANTAREA/ District 5 Local Notice To Mariners for correspondence: | http://d5local@lantd5.uscg.mil |

I. SPECIAL NOTICES: This section contains information of special concern to the Mariner.

FIFTH COAST GUARD DISTRICT WATERS – INCREASED THREAT LEVEL

The U.S. Coast Guard is asking for assistance from all mariners to be on the lookout while they are transiting the local waterways. The Department of Homeland Security (DHS) and the U.S. Coast Guard are asking you to report any suspicious or peculiar activity that you may observe. Please make all reports to the U.S. Coast Guard via VHF-FM CH 16 or by using your cell phone to dial 911, the National Response Center (NRC) at 1-800-424-8802 or to the DHS Watch and Warning unit at (202) 323-3205.

CHESAPEAKE BAY REGULATED NAVIGATION AREA (RNA) REQUIREMENTS FOR PORT ENTRY/TRANSIT/DEPARTURE

Mariners have been advised that there has been an amendment to the **Chesapeake Bay Regulated Navigation Area**, which requires all vessels 300 gross tons, and over, including tug and barge combined, to obtain permission prior to entering, departing, and/or moving within the **Regulated Navigation Area**. To obtain permission, vessels shall contact the **Joint Harbor Operations Center (JHOC)** prior to entry or movement via Channel 12, or 13/16 VHF-FM and relay vessel documentation number, IMO number or VIN for verification. This includes entries from offshore, James River, Chesapeake Bay or Intracoastal Waterway. Alternate JHOC phone numbers are (757) 444-5210/5209. If the JHOC cannot be reached, the Captain of the Port (COTP) Command Duty Officer may be reached at (757) 668-5555.

REQUIRED BALLASTWATER MANAGEMENT REPORTS FOR VESSELS OPERATING OUTSIDE THE EEZ

Mariners are reminded that in accordance with 33 CFR 151.2040, all vessels which carry ballast water, including residual ballast water and sediments, are asked to submit a Ballast Water Management Report after operating outside the EEZ at their first port of call in U.S. waters. These reports may be transmitted electronically to <http://invasions.si.edu/ballast.htm>, e-mailed to ballast@serc.si.edu, faxed to Commandant, U.S. Coast Guard, c/o the NBIC at **301-261-4319**, or mailed to U.S. Coast Guard, c/o Smithsonian Environmental Research Center (SERC), P.O. Box 28, Edgewater, MD 21037-0028.

DATES OF LATEST EDITIONS, NAUTICAL CHARTS AND MISCELLANEOUS MAPS

The Dates of Latest Editions, Nautical Charts and Miscellaneous Maps, dated October 1, 2004, published by the National Ocean Service, is available for issue. It may be obtained free by mail from the National Aeronautical Charting Office, AVN-530, Federal Aviation Administration, 6303 Ivy Lane, Suite 400, Greenbelt MD, 20770-1479, by telephone at 1-800-638-8972 or from your local authorized nautical chart sales agent. This is a quarterly publication listing the most recent editions of nautical charts, miscellaneous maps and publications relating to navigation, weather, etc. with brief descriptions and up-to-date prices for most of the publications listed. Much of this information may also be obtained online at: <http://chartmaker.ncd.noaa.gov/mcd/dole.htm>

NJ & PA – UPPER DELAWARE - DELAWARE RIVER – BRIDGE RESTRICTIONS

The Coast Guard has authorized New Jersey Transit to restrict the operation of the Delair Railroad (vertical-lift) Bridge, at mile 104.6, across the Delaware River, in Philadelphia, Pennsylvania. To facilitate replacement of bridge timbers, the bridge will be maintained in the closed-to-navigation position each day from 8 a.m. to 4 p.m. on ten consecutive Mondays: on **October 18, and 25; and on November 1, 8, 15, and 22, 2004**. At all other times, the bridge will operate in accordance with the current operating regulations outlined in 33 CFR 117.716. The available vertical clearance in the closed-to-navigation position is approximately 49 feet at Mean High Water (MHW) and 55 feet at Mean Low Water (MLW). Mariners able to pass under the closed span are advised to exercise extreme caution when transiting the area. **Chart: 12314.**

NJ-PA-DELAWARE RIVER-DELAWARE BAY – NAVAL VESSEL PROTECTIVE SECURITY ZONE

All mariners are advised a Naval Vessel Protective Security Zone exists around the USNS MENDONCA and the USNS SEAY while moored at Tioga Marine Terminal Philadelphia, PA. All vessels shall maintain 100 yards distance from the USNS MENDONCA or USNS SEAY while it is underway, moored or anchored. All mariners are requested to operate at a minimum speed necessary to maintain a safe course within 500 yards of the USNS MENDONCA OR USNS SEAY and are reminded to use caution when transiting near the vessels. This action is necessary to provide for the safety and security of the vessels. The U.S. Coast Guard and local law enforcement agencies will be enforcing the fixed Naval Vessel Protective Security Zone. All mariners are requesting to operate within 100 yards of the USNS MENDONCA or USNS SEAY should contact the USNS MENDONCA or USNS SEAY VIA VHF Channels 13 OR 16. **Charts: 12312 & 12314.**

NJ – DE – PA – DELAWARE RIVER – REEDY ISLAND – HAZARD TO NAVIGATION

There has been an anchor and wire lost in the vicinity of Reedy Island Anchorage #3 in position 39°-30'.6N, 075°-32'.6W. Mariners are advised to use extreme caution while transiting this area. **Chart: 12311.**

MD – UPPER CHESAPEAKE BAY – PATAPSCO AND SEVERN RIVERS – WATERWAY RESTRICTION

Mariners are advised that on Tuesday, **October 26, 2004**, a dead ship tow of the U.S.S. Constellation is scheduled to occur on the waters of the upper Chesapeake Bay and its tributaries from Pier 1, Inner Harbor, Baltimore Maryland to the U. S. Naval Academy seawall, Annapolis, Maryland. On **Monday, November 1, 2004**, a return dead ship tow is scheduled to occur from Annapolis, Maryland to Baltimore, Maryland. The event consists of a dead ship tow of the historic Sloop-of-War, with a saluting battery off Fort Mc Henry National Monument and Historic Site. A temporary safety zone becomes effective from **7 a.m. to 5 p.m. on Tuesday, October 26, 2004** and from **7 a.m. to 5 p.m. on Monday, November 1, 2004**. This moving safety zone, on all waters of the upper Chesapeake Bay and its tributaries within 200 yards ahead of and 100 yards outboard and aft of the U.S.S. Constellation while operating, is established for the safety of life and property on navigable waters during the event. If you have any questions please contact Mr. Ronald Houck, U.S. Coast Guard Activities Baltimore at (410) 576-2674.

MD-VA-DC-POTOMAC RIVER-MATTAWOMAN CREEK TO GEORGETOWN– SECURITY ZONES

Mariners are advised that due to heightened security alert conditions in and near Washington, DC, the Coast Guard has established temporary security zones upon the waters of the Potomac River. These security zones will remain in effect until **November 30, 2004**. The areas include: (A) for all persons or vessels engaged in commercial service, all waters of the Potomac River, surface to bottom, from the Woodrow Wilson Memorial Bridge upstream to the Long Railroad Bridge, including the waters of the Anacostia River downstream from the Highway 50 Bridge to the confluence with the Potomac River. Vessels engaged in commercial service must contact the Captain of the Port (COTP) Baltimore or his designated representative by telephone at (202) 767-1194, or U.S. Coast Guard Station Washington, D. C. on VHF-FM Channels 16 or 23A for authorization prior to entering or moving within this security zone, (B) for all other persons or vessels, all waters of the Georgetown Channel, Potomac River, surface to bottom, from the Long Railroad Bridge upstream to the Francis Scott Key Bridge. Vessels are allowed to enter, move within, or remain in this security zone, only with the authorization of the COTP Baltimore. **Chart: 12289.**

MD-CHESAPEAKE BAY-SEVERN RIVER-SPA CREEK – ANNAPOLIS BOAT SHOW

Annapolis Boat Shows, Inc. will conduct its annual U. S. Sailboat and Powerboat Shows in Annapolis Harbor from **Thursday, October 7** through **Sunday October 17, 2004**. In support of these events, temporary pilings, floating docks and submerged electrical cables will be placed in the northwestern quadrant of Annapolis Harbor beginning on **Monday, October 4, 2004**, and will remain in place through **Wednesday, October 20, 2004**. In addition, mariners are advised that special anchoring restrictions in the harbor will be in affect in the event of severe weather during this period. For any comments or questions , contact the Annapolis City Harbormaster's office, on marine radio VHF-FM Channel 17, or at telephone number (410) 263-7973. **Chart :12283.**

VA/MD – POTOMAC RIVER – WOODROW WILSON BRIDGE – BRIDGE INFO

Mariners are advised that construction of the new Woodrow Wilson Memorial Drawbridge across the Potomac River, mile 103.8, between the City of Alexandria, Virginia and Oxon Hill, Maryland is ongoing until 2010. Excessive speed and wake by boaters may cause serious or fatal incidents to the Bridge project. It is crucial that mariners obey the speed restrictions and eliminate wakes through the work zone due to the sensitive and precise nature of the work and for worker safety. A temporary floating/sliding bridge will be in place in the waterway during drawbridge construction until further notice. There will be intermittent day-time channel restrictions as a result of the floating bridge and mariners are urged to listen to the BNMs for updates of it's position in the waterway. Mariners are also urged to use extreme caution when transiting this area for work barges, exposed piles, and anchor buoys. For further information and updates to construction operations, contact Mr. Mike Baker, Environmental Construction Manager for the Woodrow Wilson Bridge Project at 301-567-0094 Ext 242 or visit the Project's website online at www.wilsonbridge.com. **Charts: 12285 & 12289.** Bridge. **Chart: 12207.**

VA – COASTAL – RUDEE INLET - SHOALING

Shoaling has been recorded at 5.1 feet M.L.L.W. on the northern side (edge of channel) of Rudee Inlet in the vicinity of the old Lighthouse Restaurant per City survey performed 10/05/04. Mariners are urged to transit the area with caution. **Chart: 12200.**

VA – ELIZABETH RIVER – WESTERN BRANCH – ROUTE 17/ CHURCHLAND BRIDGE – REDUCED OVERHEAD POWER CABLE CLEARANCE

Virginia Power has informed the Coast Guard that the overhead power cable; South of the Churchland Bridge, Western Branch, Elizabeth River has sagged to 39 feet. Mariners are to use extreme caution in this area. Virginia Power will be resagging the overhead power cable to its authorized clearance of 45 feet in the immediate future. **Chart: 12253.**

VA – COASTAL – U.S. NAVAL BASE DAM NECK, VIRGINIA BEACH – SMALL ARMS RANGE LIVE FIRE SCHEDULE

All vessel operators are reminded to review Navigation Regulations as described in paragraph 334.380 of Chapter 2, of **U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West (36th) Edition** when operating south of the entrance to the Chesapeake Bay, off the Dam Neck Naval Firing Range. When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach at the facility. Vessels shall proceed through the area with caution and shall remain in the area no longer than necessary for transit.

The U.S. Naval Base Dam Neck Live Fire Range will be active during the following periods:

Oct 25-29, 2004 from 6:00 a.m. to 4:00 p.m.

Nov 15-19, 2004 from 6:00 a.m. to 1:00 p.m.

Dec 02-03, 2004 from 6:00 a.m. to 1:00 p.m.

Dec 06-10, 2004 from 6:00 a.m. to 1:00 p.m.

Dec 13-16, 2004 from 6:00 a.m. to 1:00 p.m.

Jan 10-14, 2005 from 6:00 a.m. to 1:00 p.m.

Jan 31- Feb 4, 2005 from 6:00 a.m. to 1:00 p.m.

Feb 07-11, 2005 from 6:00 a.m. to 1:00 p.m.

Mar 14-18, 2005 from 6:00 a.m. to 1:00 p.m.

Mar 21-25, 2005 from 6:00 a.m. to 1:00 p.m.

Night live fire operations will commence at 5:30 a.m. and last approximately 90 minutes on the following dates: Oct 29, Nov 19, Dec 09 & Dec 16, 2004; Jan 14, Feb 04, Feb 11, Mar 18 & Mar 25, 2005. **Charts: 12203, 12205, 12207 & 12221.**

VA – COASTAL – STATE MILITARY RESERVATION, CAMP PENDLETON, VIRGINIA BEACH – SMALL ARMS LIVE FIRE SCHEDULE

The Camp Pendleton State Military Reservation Live Fire Small Arms Range described as "all of the waters seaward of the mean high water shore line within a sector between radial lines extending 13,500 yards seaward and bearing 090 degrees true and 150 degrees true, respectively, from a point on shore at 36° 49' 09"N, 075° 58' 45"W". All vessel operators are reminded to review Navigation Regulations as described in paragraph 334.380 of Chapter 2, of **U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West** when operating south of the entrance to the Chesapeake Bay. Firing will take place only during daylight hours and red flags will be displayed at conspicuous locations on the beach at the facility. Vessels shall proceed through the area with caution and shall remain in the area no longer than necessary for transit. **Charts: 12203, 12205, 12207 & 12221.**

The Camp Pendleton Live Fire Range will be active during the following periods:

Oct 17-22, 2004 - from 8:00 a.m. to 4:00 p.m.

Nov 06-08, 2004 - from 8:00 a.m. to 4:00 p.m.

Dec 04-05, 2004 - from 8:00 a.m. to 4:00 p.m.

Jan 08-09, 2005 - from 8:00 a.m. to 4:00 p.m.

Feb 05-06, 2005 - from 8:00 a.m. to 4:00 p.m.

Mar 12-13, 2005 - from 8:00 a.m. to 4:00 p.m.

May 21-22 2005 - from 8:00 a.m. to 4:00 p.m.

NC – COASTAL- BOGUE INLET TO NEW RIVER INLET AND NEW RIVER (AICWW) – Firing Exercises

The Commanding General, Marine Corps Base Camp Lejeune, North Carolina has advised that the danger zone (depicted as 334.440) as shown on National Ocean Service **Chart 11543**, and AICWW at New River may be hazardous to navigation due to field firing exercises. Firing exercises are scheduled daily. For additional information concerning specific dates and times refer to Monthly. **LNM 40/04.**

II. DISCREPANCIES: This section lists all discrepancies to Aids to Navigation and those corrected since the last published list. A discrepancy is a change in the status of an aid to navigation that differs from what is published and or charted.

DISCREPANCY ABBREVIATIONS

| | | |
|--------------------------------|--------------------------------|-----------------------------------|
| AC= Group Atlantic City | BA= Activities Baltimore | BNM= Broadcast Notice to Mariners |
| CH= Group Cape Hatteras | DBD= Dayboard | DBN= Daybeacon |
| DEST= Destroyed | ES= Group Eastern Shore | EXT= Extinguished |
| FM= Group Fort Macon | IMCH= Improper Characteristics | INOP= Inoperative |
| LNM= Local Notice to Mariners | LT= Light | OFF STA= Off Station |
| PH= Group Philadelphia | SHL= Shoaling | TRLB= Temporary Lighted Buoy |
| TRUB= Temporary Unlighted Buoy | TRLT= Temporary Light | |

FEDERAL AIDS DISCREPANCIES As of 0800 a.m. 12 October, 2004.

| LLNR | Aid Name | Status | Chart Number | BNM Ref. | LNM Ref. |
|--------|--------------------------------------------------|----------|--------------|----------|----------|
| 35 | Little Egg Inlet Outer Lighted Whistle Buoy LE | LT EXT | 12323 | 0377AC | 41/04 |
| 840 | Frying Pan Shoals Lighted Buoy 2FP | LT EXT | 11009 | 0358FM | 38/04 |
| 1195 | Absecon Inlet Breakwater Light 7 | DBN DEST | 12301 | 0388AC | 42/03 |
| 2050 | Harbor of Refuge North End Light | LT EXT | 12304 | 0311AC | 34/04 |
| 2115 | Rehoboth Bay Channel Light 9 | TRLB | 12216 | 0035ES | 06/04 |
| 2125 | Rehoboth Bay Daybeacon 12 | MISSING | 12214 | 0023ES | 06/04 |
| 2148 | Rehoboth Bay Channel Daybeacon 19 | TRUB | 12216 | 0048ES | 09/04 |
| 3840 | Enterprise Upper Range Front Light | LT DIM | 12314 | 0304PH | 34/03 |
| 3845 | Enterprise Upper Range Rear Light | LT DIM | 12314 | 0305PH | 34/03 |
| 4340 | Upper Delaware River Channel Buoy 105 | OFF STA | 12314 | 0324PH | 39/04 |
| 4345 | Upper Delaware River Channel Buoy 106 | MISSING | 12314 | 0322PH | 39/04 |
| 4420.1 | Indian River Inlet Daybeacon 17A | TRLB | 12214 | 0018ES | 05/04 |
| 4430 | Indian River Junction Light IR | TRLB | 12214 | 0013ES | 07/04 |
| 4445 | Pepper Creek Daybeacon 2 | TRUB | 12216 | 0043ES | 09/04 |
| 4470 | Pepper Creek Lighted Buoy WR10 | TRLB | 12216 | 0101ES | 22/04 |
| 4840 | Isle of Wight Bay Daybeacon 7 | TRUB | 12211 | 0100ES | 21/04 |
| 4995 | Sinepuxent Bay Daybeacon 1 | TRUB | 12211 | 0083ES | 17/04 |
| 5015 | Sinepuxent Bay Channel Daybeacon 6 | TRUB | 12211 | NONEHR | 11/04 |
| 5105 | Sinepuxent Bay Channel Daybeacon 27 | TRUB | 12211 | NONEHR | 11/04 |
| 5300 | Chincoteague Inlet Lighted Buoy 6 | MISSING | 12210 | 0139ES | 36/04 |
| 5777 | Virginia Inside Passage Daybeacon 59 | TRUB | 12210 | 0142ES | 37/04 |
| 6155 | Virginia Inside Passage Daybeacon 162 | TRUB | 12210 | NONEHR | 25/04 |
| 6465 | Virginia Inside Passage Light 237 | LT EXT | 12221 | 0473HR | 41/04 |
| 6575 | Virginia Inside Passage Daybeacon 264 | TRUB | 12221 | 0206ES | 51/03 |
| 6790 | North Inlet Light 1 | TRLB | 12210 | NONEHR | 11/04 |
| 7245 | Old Plantation Flats Light | DBN DMGD | 12221 | 0350HR | 30/04 |
| 7305 | Chesapeake Channel Lighted Buoy 44 | RAC INOP | 12221 | 0434HR | 37/04 |
| 7440 | Chesapeake Channel Lighted Bell Buoy 62 | RAC INOP | 12225 | NONEBA | 38/04 |
| 7795 | Kent Island Northern Range Obstruction Daybeacon | DBN DEST | 12263 | 0790BA | 40/04 |
| 7995 | Craighill Channel Entrance Range Front Light | LT EXT | 12282 | 0741BA | 37/04 |
| 8000 | Craighill Channel Entrance Range Rear Light | LT EXT | 12273 | 0751BA | 38/04 |
| 9195 | Back Creek Channel Lighted Buoy 31 | BUOYSINK | 12273 | 0803BA | 41/04 |
| 9565 | Norfolk International Terminal Daybeacon 6 | TRUB | 12245 | 0344HR | 30/04 |
| 9760 | Western Branch Channel Daybeacon 6 | TRUB | 12206 | 0439HR | 38/04 |
| 10070 | Elizabeth River Southern Branch Buoy 26 | OFF STA | 12206 | 0428HR | 36/04 |
| 11700 | James River Channel Light 24 | TRLB | 12248 | 0294HR | 25/04 |

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|-------|------------------------------------------------|--------------|-------|--------|-------|
| 12420 | Jordan Point Range Rear Light | LT EXT | 12251 | 0160HR | 15/04 |
| 12530 | James River Channel Light 120 | TRLB | 12251 | 0445HR | 33/03 |
| 12600 | James River Channel Light 121 | TRLB | 12251 | 0331HR | 33/03 |
| 12635 | James River Light 132 | DBN DEST | 12252 | 0472HR | 41/04 |
| 13550 | York River West Range Front Light | TRLB | 12238 | 0542HR | 40/03 |
| 13555 | York River West Range Rear Light | LT IMCH | 12238 | 0239HR | 21/04 |
| 13955 | Upper York River Daybeacon 21 | TRUB | 12243 | 0448HR | 39/04 |
| 16985 | Bransons Cove Daybeacon 1B | TRLB | 12285 | 0653BA | 30/04 |
| 17205 | Dukeharts Channel Daybeacon 9 | TRUB | 12285 | 0551BA | 24/04 |
| 17210 | Dukeharts Channel Daybeacon 10 | TRUB | 12285 | 0552BA | 24/04 |
| 17330 | Wicomico River Daybeacon 13W | TRLB | 12286 | 0312BA | 09/04 |
| 17375 | Horsehead Cliffs Warning Daybeacon | TRLB | 12285 | 0659BA | 31/04 |
| 17920 | Potomac Creek Daybeacon 3 | TRUB | 12288 | NONEBA | 13/04 |
| 18280 | Occoquan River Channel Daybeacon 7 | TRLB | 12285 | 0542BA | 24/04 |
| 18810 | St. Jerome Creek Light 4 | TRLB | 12285 | 0300BA | 09/04 |
| 19675 | Fishing Creek Light 3 | DBN IMCH | 12263 | 0739BA | 37/04 |
| 21435 | Old Plantation Flats Light | DBN DMGD | 12221 | 0350HR | 30/04 |
| 21450 | Cape Charles City Light 1 | TRLB | 12280 | 0347HR | 30/04 |
| 22330 | Muddy Creek Daybeacon 1 | TRUB | 12225 | 0598BA | 27/04 |
| 22335 | Muddy Creek Daybeacon 3 | TRLB | 12228 | 0598BA | 27/04 |
| 22990 | Rhodes Point Gut Channel Daybeacon 1 | TRUB | 12231 | 0340BA | 40/02 |
| 23145 | Tyler Creek Channel Daybeacon 9 | TRUB | 12231 | 0002BA | 02/04 |
| 23280 | Big Annemessex River Light 1 | TRLB | 12230 | 0318BA | 10/04 |
| 23300 | Big Annemessex River Light 6 | TRLB | 12230 | 0312BA | 10/04 |
| 23380 | Manokin River Light 2 | TRLB | 12230 | 0454BA | 18/04 |
| 23430 | Manokin River Daybeacon 9 | TRLB | 12230 | 0312BA | 18/04 |
| 23495 | Lower Thorofare Channel Light 2 | TRLB/FS INOP | 12230 | 0434BA | 16/04 |
| 23645 | Sharkfin Shoal Channel Range Front Light | TRLB | 12230 | 0493BA | 21/04 |
| 23650 | Sharkfin Shoal Channel Range Rear Light | MISSING | 12261 | 0312BA | 09/04 |
| 23795 | Webster Cove Channel Buoy 1 | OFF STA | 12230 | 0654BA | 30/04 |
| 24400 | Goose Creek Light 1 | TRLB | 12230 | 0312BA | 09/04 |
| 24410 | Fishing Bay Light 3 | TRLB | 12230 | 0312BA | 11/04 |
| 24470 | Hearns Cove Channel Light 5 | TRLB | 12230 | 0312BA | 09/04 |
| 24525 | Honga River Light 12 | TRLB | 12230 | 0312BA | 09/04 |
| 24580 | Tar Bay Channel Light 1 | TRLB | 12280 | 0400BA | 14/04 |
| 24585 | Tar Bay Channel Light 2 | LT IMCH | 12230 | 0745BA | 38/04 |
| 24620 | Tyler Cove Channel Daybeacon 1 | TRUB | 12264 | 0639BA | 30/04 |
| 24625 | Tyler Cove Channel Daybeacon 2 | TRUB | 12261 | 0640BA | 30/04 |
| 25525 | Irish Creek Daybeacon 6 | TRUB | 12263 | 0220BA | 14/01 |
| 27325 | Bush River Light 5 | TRLB | 12274 | 0318BA | 10/04 |
| 28015 | Oregon Inlet Lighted Buoy 9 | LT EXT | 12204 | 0183CH | 41/04 |
| 28141 | Oregon Inlet Channel Light 41 | TRLB | 12205 | 0180CH | 40/04 |
| 28190 | Oregon Inlet Channel Daybeacon 53 | TRUB | 12204 | 0177CH | 40/04 |
| 28340 | Walter Slough Light 9 | TRLB | 12205 | 0171CH | 38/04 |
| 29140 | Barden Inlet Lighted Buoy 1 | TRUB | 11543 | 0367FM | 41/04 |
| 29235 | Barden Inlet Light 21 | TRLB | 11545 | 0323FM | 33/04 |
| 29559 | Bogue Inlet Buoy 14 | OFF STA | 11541 | 0309FM | 33/04 |
| 29845 | Stones Bay Warning Daybeacon | DBN IMCH | 11541 | 0379FM | 40/04 |
| 29900 | Wallace Creek Light 2 | LT EXT | 11542 | 0397FM | 41/04 |
| 29975 | New Topsail Inlet Buoy 1 | OFF STA | 11541 | 0341FM | 36/04 |
| 30665 | Cape Fear Channel Lighted Buoy 30 | TRLB | 11534 | NONEFM | 04/04 |
| 31085 | Shallotte Inlet Buoy 8 | MISSING | 11536 | 0401FM | 41/04 |
| 31665 | Kendrick Creek Channel Daybeacon 2 | TRUB | 12205 | 0143CH | 30/04 |
| 32425 | Bluff Point Shoal Light | LT EXT | 11548 | 0182CH | 41/04 |
| 32470 | Lower Middle Ground Light LM | DBN DEST | 11548 | 0236FM | 27/04 |
| 32470 | Lower Middle Ground Light LM | TRLB | 11548 | NONEFM | 06/04 |
| 32720 | Fodrey Creek Light 1 | TRLB | 11548 | 0098FM | 04/04 |
| 33245 | Gaylord Bay Ferry Terminal Channel Light 1 | TRLB | 11554 | 0220FM | 24/04 |
| 33505 | Raccoon Island North Daybeacon | MISSING | 11541 | NONEFM | 50/03 |
| 34320 | Harbor Island Warning Daybeacon | DBN DMGD | 11544 | 0102FM | 10/03 |
| 34545 | Core Sound Light 28 | TRLB | 11544 | 0401FM | 39/03 |
| 34710 | Brooks Creek Daybeacon 1 | DBN IMCH | 12266 | 0310FM | 34/04 |
| 34770 | North River Warning Light | DBN DMGD | 11545 | 0527FM | 49/03 |
| 34932 | Manasquan Inlet Light 3 | LT EXT | 12300 | 0310AC | 34/04 |
| 35580 | New Jersey Intracoastal Waterway Daybeacon 143 | OFF STA | 12316 | 0368AC | 40/04 |
| 35875 | New Jersey Intracoastal Waterway Daybeacon 223 | MISSING | 12316 | 0416AC | 45/03 |
| 36015 | New Jersey Intracoastal Waterway Daybeacon 265 | TRUB | 12316 | NONEAC | 29/04 |
| 36535 | New Jersey Intracoastal Waterway Buoy 424 | OFF STA | 12316 | 0228AC | 26/04 |
| 36920 | Elizabeth River Southern Branch Buoy 26 | OFF STA | 12206 | 0428HR | 36/04 |
| 37075 | Elizabeth River- Southern Branch Daybeacon 31 | DBN DEST | 12253 | 0459HR | 40/04 |
| 37175 | Great Bridge Albemarle Sound Daybeacon 5 | TRUB | 12206 | 0451HR | 39/04 |
| 38220 | Goose Creek Light 22 | DBN DMGD | 11548 | 0378FM | 39/04 |
| 38385 | Core Creek Light 19 | DBN DEST | 11545 | 0402FM | 41/04 |
| 38400 | Core Creek Range Front Light | TRLB | 11541 | 0116FM | 12/03 |

| | | | | | |
|-------|-------------------------------------|----------|-------|--------|-------|
| 38407 | Core Creek Light 24 | TRLB | 11545 | NONEFM | 33/04 |
| 39910 | Cape Fear Channel Lighted Buoy 30 | TRLB | 11537 | NONEFM | 04/04 |
| 40145 | Lockwoods Folly River Daybeacon 4 | DBN IMCH | 11534 | 0398FM | 41/04 |
| 40305 | Cape Fear Little River Daybeacon 71 | DBN IMCH | 11534 | 0319FM | 36/04 |

FEDERAL AIDS DISCREPANCIES CORRECTED Since LNM 40/04.

| LLNR | Aid Name | Status | Chart Number | BNM Ref. | LNM Ref. |
|-------|-----------------------------------------------|-------------------|--------------|----------|----------|
| 745 | Camp Lejeune Danger Zone Lighted Buoy B | RELIGHTED | 11520 | 0468D5 | 32/01 |
| 2660 | Salem River Entrance Channel Range Rear Light | RELIGHTED | 12311 | 0223PH | 27/04 |
| 2725 | New Castle Range Buoy 2N | RESET ON STATION | 12311 | 0345PH | 41/04 |
| 4265 | Upper Delaware River Channel Buoy 90 | WATCHING PROPERLY | 12314 | 0348PH | 41/04 |
| 4400 | Indian River Inlet Buoy 11 | WATCHING PROPERLY | 12214 | 0123ES | 27/04 |
| 6490 | Virginia Inside Passage Light 245 | RELIGHTED | 12224 | 0447HR | 39/04 |
| 7425 | Chesapeake Channel Lighted Bell Buoy 60 | RELIGHTED | 12225 | 0466HR | 40/04 |
| 7585 | USN Aerial Gunnery Area Lighted Bell Buoy D | RELIGHTED | 12230 | 0753BA | 38/04 |
| 8185 | Brewerton Channel Lighted Buoy 8 | RELIGHTED | 12281 | 0802BA | 41/04 |
| 9050 | Elk River Channel Lighted Buoy 19 | RELIGHTED | 12274 | 0795BA | 41/04 |
| 9310 | Thimble Shoal Light | RELIGHTED | 12221 | 468HR | 40/04 |
| 11205 | Chuckatuck Creek Approach Daybeacon CC | WATCHING PROPERLY | 12248 | 0460HR | 40/04 |
| 18880 | Patuxent River Light 3 | WATCHING PROPERLY | 12230 | 0554BA | 24/04 |
| 19905 | Spa Creek Entrance Buoy 1SC | WATCHING PROPERLY | 12282 | 0755BA | 38/04 |
| 20565 | Sparrows Point Steel Works Channel Buoy 3 | WATCHING PROPERLY | 12273 | 0584BA | 38/04 |
| 22303 | Hunting Creek Buoy 19 | RESET ON STATION | 12228 | 0794BA | 40/04 |
| 30680 | Upper Midnight Channel North Range Rear Light | RELIGHTED | 11537 | 0394FM | 40/04 |
| 38390 | Core Creek Light 20 | RELIGHTED | 11541 | 0293FM | 32/04 |
| 39100 | Bogue Sound New River Light 48 | RELIGHTED | 11541 | 0400FM | 41/04 |
| 39895 | Upper Midnight Channel North Range Rear Light | RELIGHTED | 11537 | 0394FM | 40/04 |

PRIVATE AIDS DISCREPANCIES As of 0800 a.m. 12 October, 2004.

| LLNR | Aid Name | Status | Chart Number | BNM Ref. | LNM Ref. |
|---------|---------------------------------------------------|-------------------|--------------|----------|----------|
| 575 | NAVAIR COMBAT MANEUVRNG RANGE TWR LT | LT EXT | 12200 | 0175D5 | 17/04 |
| 1145 | Marshelder Channel Buoy 2 | MISSING | 12316 | 0449AC | 50/03 |
| 2119.19 | Herring Creek Daybeacon 19 | DBN DEST | 12216 | 0140ES | 34/03 |
| 2775 | Bulkhead Shoal Channel Lighted Buoy 2 | MISSING | 12331 | 0265PH | 32/04 |
| 4880 | Thorofare Channel Buoy 4 | MISSING | 12211 | 0117ES | 29/03 |
| 4905 | Thorofare Channel Buoy 12 | OFF STA | 12211 | 0110ES | 47/00 |
| 4915 | Thorofare Channel Buoy 15 | MISSING | 12221 | 0031ES | 20/02 |
| 4920 | Thorofare Channel Buoy 16 | MISSING | 12211 | 0032ES | 20/02 |
| 5457 | Greenbackville SAV Sanctuary Daybeacon A | MISSING | 12211 | 0040ES | 07/04 |
| 5457.1 | Greenbackville SAV Sanctuary Daybeacon B | MISSING | 12211 | 0040ES | 07/04 |
| 9730 | Elizabeth River Deperming Range Obstruction Light | DBN DMGD | 12253 | 0566HR | 40/03 |
| 10186.5 | Lynnhaven River Daybeacon 3LR | TRUB | 12222 | 0147HR | 18/02 |
| 10230 | Lynnhaven River-Western Branch Daybeacon 11 | DBN DMGD | 12254 | 0422HR | 36/04 |
| 10335 | Long Creek Channel Daybeacon 2 LE | DBN DEST | 12222 | 0033HR | 04/03 |
| 12616 | Weanack Channel Entrance Lighted Buoy 2WC | LT EXT | 12252 | 0332HR | 29/04 |
| 13070 | Harris River Approach Daybeacon 8 | DBN DMGD | 12238 | 0226HR | 19/04 |
| 13575 | Virginia Power Underwater Obstruction Light A | LT EXT | 12238 | 0266HR | 23/04 |
| 15980 | Delco Moraine Lighted Obstruction Buoy | MISSING | 12237 | 0523HR | 45/01 |
| 16845 | Mill Creek Daybeacon 2 | DBN DMGD | 12233 | 0142BA | 05/01 |
| 17845 | Nanjemoy Creek Daybeacon 5 | DBN DEST | 12288 | 0205BA | 07/04 |
| 18012.5 | Aquia Creek Daybeacon 18 | MISSING | 12285 | 0197BA | 26/02 |
| 18430 | Little Hunting Creek Lighted Buoy 4 | OFF STA | 12289 | 0366BA | 18/03 |
| 18850 | Buzz's Marina Channel Daybeacon 6 | DBN DEST | 12233 | 0296BA | 12/03 |
| 18860 | N.A.S. Patuxent River Basin Entrance Light 2 | DBN DMGD | 12233 | 0337BA | 24/01 |
| 18865 | N.A.S. Patuxent River Basin Entrance Light 1 | DBN DMGD | 12233 | 0338BA | 24/01 |
| 20210 | Forked River Daybeacon 2 | DBN DMGD | 12282 | 0594BA | 39/03 |
| 20235 | Blackhole Creek Light 2 | DBN DMGD | 12282 | 0594BA | 39/03 |
| 20360 | Patapsco River 1/2 Measured Mile Marker Buoy A | OFF STA | 12281 | 0572BA | 25/04 |
| 20430 | Pennwood Channel Range Front Light | LT EXT | 12278 | 0581BA | 26/04 |
| 20435 | Pennwood Channel Range Rear Light | LT IMCH | 12278 | 0422BA | 16/04 |
| 20545 | Sparrow Pt. Steel Work Ch. Range Front Light | LT EXT | 12278 | 0302BA | 36/02 |
| 20705 | Sollers Point Daybeacon 1 | LT EXT | 12281 | 0732BA | 52/03 |
| 20760 | HAW Generating Plant Channel Buoy 7 | BUOYSINK | 12278 | 0594BA | 39/03 |
| 20805 | Hawkins Point Pier Buoy 2 | OFF STA | 12278 | 0103BA | 18/02 |
| 21425 | Kiptopeke Beach Breakwater North Light B | LT EXT | 12221 | 0676D5 | 49/01 |
| 22415 | POCOMKE SND ST BNDRY LINE DBN E | BUOYSINK/BUOYDMGD | 12228 | 0220BA | 07/04 |
| 22420 | POCOMKE SND ST BNDRY LINE DBN F | MISSING | 12228 | 0292BA | 09/04 |
| 22435 | POCOMKE SND ST BNDRY LINE DBN J | MISSING | 12228 | 0293BA | 09/04 |
| 23575 | Dorchester/Somerset County Line Marker AA | DBN DEST | 12231 | 0322BA | 10/04 |
| 23665 | Dorchester/Somerset County Line Marker CC | DBN DEST | 12231 | 0324BA | 10/04 |
| 24937 | UMCES Lighted Buoy CR (Choptank River) | OFF STA/LT EXT | 12263 | 0234BA | 07/04 |

| | | | | | |
|----------|--------------------------------------|----------|-------|--------|-------|
| 25020 | Cambridge Channel Range Front Light | LT EXT | 12268 | 0382BA | 46/02 |
| 25025 | Cambridge Channel Range Rear Light | LT EXT | 12268 | 0383BA | 46/02 |
| 25316.13 | Upper Choptank River Buoy 19 | LT EXT | 12268 | 0801BA | 41/04 |
| 26270 | Cox Creek Daybeacon 4 | DBN DEST | 12263 | 0312BA | 09/04 |
| 26343.3 | Greenwood Creek Buoy 4 | OFF STA | 12270 | 0411BA | 24/03 |
| 27275 | Upper Gunpowder River Daybeacon 11 | DBN IMCH | 12273 | 0704BA | 34/04 |
| 27900 | Upper Elk River Buoy 2 | MISSING | 12274 | 0013BA | 03/04 |
| 27905 | Upper Elk River Buoy 4 | MISSING | 12274 | 0014BA | 03/04 |
| 28697 | South Ferry Terminal Buoy FD2 | BUOYDMGD | 11550 | 0068CH | 16/04 |
| 30562.3 | Sunny Point Terminal Warning Light L | TRLB | 11537 | 0016FM | 02/03 |
| 33200 | Jacobs Creek Canal Daybeacon 1 | DBN DMGD | 11554 | 0339FM | 34/02 |
| 33205 | Jacobs Creek Canal Daybeacon 2 | DBN DMGD | 11554 | 0340FM | 34/02 |
| 33427 | Swan Point Warning Daybeacon A | MISSING | 11548 | 0088FM | 09/03 |
| 38570 | TRIPLE S. MARINA DAYBEACON 8 | DBN DEST | 11547 | 0505FM | 51/01 |
| 39125 | COW CRK CH DBN 1 | DBN IMCH | 11541 | 0310FM | 33/04 |

PRIVATE AIDS DISCREPANCIES-CORRECTED Since LNM 40/04.

| LLNR | Aid Name | Status | Chart Number | BNM Ref. | LNM Ref. |
|-------|----------|--------|--------------|----------|----------|
| NONE. | | | | | |

III. TEMPORARY CHANGES/CORRECTIONS This section contains a summary of current temporary changes and corrections to Aids to Navigation. Aids may be temporarily relocated, established or altered for dredging, testing or marking an obstruction or wreck. A permanent correction shall be listed in **Section IV** giving the new position.

TEMPORARY CHANGES

| LLNR | Aid Name | Status | Chart Number | BNM Ref. | LNM Ref. |
|---------|-------------------------------------------|--------------------|--------------|----------|----------|
| 975 | Barnegat Inlet Buoy 16 | RLCTD DUE TO SHLNG | 12323 | 0155AC | 17/04 |
| 980 | Barnegat Inlet Buoy 17 | RLCTD DUE TO SHLNG | 12324 | 0193D5 | 17/04 |
| 985 | Barnegat Inlet Buoy 18 | RLCTD DUE TO SHLNG | 12323 | 0193D5 | 17/04 |
| 995 | Barnegat Inlet Buoy 20 | RLCTD DUE TO SHLNG | 12324 | 0154AC | 17/04 |
| 1080 | Oyster Creek Channel Buoy 37 | RLCTD DUE TO SHLNG | 12323 | 0185D5 | 17/04 |
| 1085 | Oyster Creek Channel Buoy 37A | RLCTD DUE TO SHLNG | 12324 | 0185D5 | 17/04 |
| 1115 | Little Egg Inlet Buoy 4 | RLCTD DUE TO SHLNG | 12316 | 0185AC | 20/04 |
| 8330 | Swan Point Channel North Range Rear Light | DISCONTINUED | 12280 | 0240D5 | 22/04 |
| 9660 | Craney Island Anchorage Daybeacon A | DSCNTND FOR DRDGNG | 12207 | NONED5 | 14/04 |
| 12885.5 | Salt Ponds Daybeacon 10 | DSCNTND FOR DRDGNG | 12280 | 0369HR | 32/04 |
| 12890 | Salt Ponds Daybeacon 11 | DSCNTND FOR DRDGNG | 12221 | 0370HR | 32/04 |
| 12895 | Salt Ponds Daybeacon 12 | DSCNTND FOR DRDGNG | 12280 | 0371HR | 32/04 |
| 21460 | Cape Charles City Range B Front Light 8 | DISCONTINUED | 12224 | 0174D5 | 20/04 |

TEMPORARY CHANGES CORRECTED

| LLNR | Aid Name | Status | Chart Number | BNM Ref. | LNM Ref. |
|-------|----------|--------|--------------|----------|----------|
| NONE. | | | | | |

IV. CHART CORRECTIONS:

This section contains corrections to federal and private maintained Aids to Navigation, as well as NOS corrections. This section contains corrective actions affecting chart(s). Corrections appear numerically by chart number, and pertain to that chart only. **The mariner must decide which Chart(s) to correct. The following example explains the individual elements of a typical chart correction.**

| Chart Number | Chart Edition | Edition Date | Last Local Notice to Mariners | Horizontal Datum Reference | Source of Correction | Current Local Notice to Mariners |
|--------------|----------------------|-----------------------------|-----------------------------------------|----------------------------|-------------------------------------------------|----------------------------------|
| 11541 | 33 rd ed. | 11/01/2002 | LAST LNM 47/02 | NAD 83 | CGD05/NOS | 49/02 |
| | | | NC-PORTSMOUTH ISLAND TO BEAUFORT CHANGE | | | |
| | | | South River Light 1 to Daybeacon 1, SG | in | 34-59-23.345N | 076-35-25.467W |
| | Corrective Action | Object of corrective Action | | | Position (Degrees, minutes, seconds and tenths) | |

The letter (M) immediately following the chart number indicates that the correction should be applied to the Metric side of the chart only. (TEMP) Indicates that the chart correction action is temporary in nature. Courses and bearings are given in degrees true, clockwise from 000°. Bearings of light sectors are toward the light from seaward. The nominal range of lights is in nautical miles (NM).

| | | | | | | |
|-------|----------|------------|--------------------------------------------|--------|---------------|----------------|
| 11009 | 37th ed. | 07/01/2004 | LAST LNM: 40/04 | NAD 83 | CGD05 | 41/04 |
| | | | CAPE HATTERAS TO STRAITS OF FLORIDA | | | |
| | | | ADD | | | |
| | | | NOAA Data Lighted Buoy 41025, FI (4) Y 20s | in | 35-03-25.000N | 075-22-50.000W |

| | | | | |
|-------|---------------------------------------------------------------------------------------------------------------------|------------|--------------------------------|----------------------------------|
| 11520 | 41st ed. 06/24/2003 LAST LNM: 39/04 CAPE HATTERAS TO CHARLESTON ADD | NAD 83 | CGD05 | 41/04 |
| | NOAA Data Lighted Buoy 41025, FI (4) Y 20s | in | 35-03-25.000N | 075-22-50.000W |
| | RELOCATE | | | |
| | New River Inlet Lighted Whistle Buoy NR | from to | 34-31-08.060N 34-31-02.040N | 077-19-20.800W 077-19-33.313W |
| 11534 | 33rd ed. 03/01/2004 LAST LNM: 40/04 NC-SC-ICW-MYRTLE GROVE SOUND AND CAPE FEAR RIVER TO CASINO CREEK RELOCATE | NAD 83 | CGD05 | 41/04 |
| | Carolina Beach Inlet Buoy 6 | from to | 34-04-53.873N 34-04-52.439N | 077-52-17.021W 077-52-14.515W |
| 11537 | 35th ed. 02/01/2004 LAST LNM: 40/04 NC- CAPE FEAR RIVER:- CAPE FEAR RIVER TO WILMINGTON RELOCATE | NAD 83 | CGD05 | 41/04 |
| | Carolina Beach Inlet Buoy 6 | from to | 34-04-53.873N 34-04-52.439N | 077-52-17.021W 077-52-14.515W |
| 11539 | 18th ed. 07/14/2001 LAST LNM: 33/04 NEW RIVER INLET TO CAPE FEAR RELOCATE | NAD 83 | CGD05 | 41/04 |
| | Masonboro Inlet Lighted Buoy 8 | from to | 34-11-03.300N 34-11-02.751N | 077-48-55.700W 077-48-51.985W |
| | New River Inlet Lighted Whistle Buoy NR | from to | 34-31-08.060N 34-31-02.040N | 077-19-20.800W 077-19-33.313W |
| 11541 | 34th ed. 10/01/2003 LAST LNM: 40/04 NC-AIWW - NEUSE RIVER TO MYRTLE GROVE SOUND RELOCATE | NAD 83 | CGD05 | 41/04 |
| | Masonboro Inlet Lighted Buoy 8 | from to | 34-11-03.300N 34-11-02.751N | 077-48-55.700W 077-48-51.985W |
| | New River Inlet Lighted Whistle Buoy NR | from to | 34-31-08.060N 34-31-02.040N | 077-19-20.800W 077-19-33.313W |
| | New Topsail Inlet Buoy 3A | from to | 34-20-11.891N 34-20-15.094N | 077-39-48.690W 077-39-46.567W |
| | New Topsail Inlet Lighted Buoy 5 | from to | 34-20-18.756N 34-20-18.299N | 077-39-51.894W 077-39-49.369W |
| | New Topsail Inlet Buoy 6A | from to | 34-20-31.697N 34-20-31.853N | 077-40-06.793W 077-40-08.501W |
| | New Topsail Inlet Buoy 8A | from to | 34-20-47.411N 34-20-46.002N | 077-40-00.123W 077-40-05.494W |
| | New Topsail Inlet Buoy 10 | from to | 34-20-49.611N 34-20-50.801N | 077-39-58.638W 077-39-59.791W |
| | Old Topsail Creek Buoy 2 | from to | 34-20-53.940N 34-20-53.759N | 077-39-51.504W 077-39-54.178W |
| 11542 | 16th ed. 05/01/2004 LAST LNM: 39/04 NC- NEW RIVER RELOCATE | NAD 83 | CGD05 | 41/04 |
| | New River Inlet Lighted Whistle Buoy NR | from to | 34-31-08.060N 34-31-02.040N | 077-19-20.800W 077-19-33.313W |
| 11543 | 22nd ed. 07/07/2001 LAST LNM: 39/04 NC- CAPE LOOKOUT TO NEW RIVER RELOCATE | NAD 83 | CGD05 | 41/04 |
| | New Topsail Inlet Buoy 3A | from to | 34-20-11.891N 34-20-15.094N | 077-39-48.690W 077-39-46.567W |
| | New River Inlet Lighted Whistle Buoy NR | from to | 34-31-08.060N 34-31-02.040N | 077-19-20.800W 077-19-33.313W |
| 11555 | 39th ed. 02/01/2004 LAST LNM: 36/04 NC- CAPE HATTERAS: WIMBLE SHOALS TO OCRACOKE INLET ADD | NAD 83 | CGD05 | 41/04 |
| | NOAA Data Lighted Buoy 41025, FI (4) Y 20s | in | 35-03-25.000N | 075-22-50.000W |
| 12200 | 48th ed. 06/01/2004 LAST LNM: 38/04 CAPE MAY TO CAPE HATTERAS ADD | NAD 83 | CGD05 | 41/04 |
| | NOAA Data Lighted Buoy 41025, FI (4) Y 20s | in | 35-03-25.000N | 075-22-50.000W |

| | | | | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12204 | 35 th ed. 01/01/2003 LAST LNM: 40/04 NC- CURRITUCK BEACH LIGHT TO WIMBLE SHOALS DELETE Walter Slough Buoy 8A RELOCATE Oregon Inlet Jetty Light ADD Tabulation - Pamlico and Roanoke Sound | in from to centered at | NAD 83 centered at | CGD05 NOS NW – 8281 35-44-30.000N | 41/04 075-47-00.000W |
| 12205 | 28 th ed. 08/01/2003 LAST LNM: 40/04 VA-NC- CAPE HENRY TO PAMLICO SOUND (including ALBEMARLE SOUND) DELETE Walter Slough Buoy 8A RELOCATE Oregon Inlet Jetty Light | in from to | NAD 83 centered at | CGD05 35-47-29.970N 35-46-21.642N 35-46-25.913N | 41/04 075-33-30.097W 075-31-27.594W 075-31-30.012W |
| 12208 | 10 th ed. 05/01/2004 LAST LNM: 39/04 VA- APPROACHES TO CHESAPEAKE BAY ADD Tabulation - Norfolk Harbor and Chesapeake Bay Tab | centered at | NAD 83 centered at | NOS NW – 8332 36-41-41.000N | 41/04 075-57-53.000W |
| 12221 | 75 th ed. 09/01/2003 LAST LNM: 39/04 VA- CHESAPEAKE BAY ENTRANCE ADD Tabulation - Thimble Shoal and Chesapeake Bay Entrance Channel Depths | centered at | NAD 83 centered at | NOS NW - 8313,8330 36-55-56.000N | 41/04 076-23-44.000W |
| 12222 | 46 th ed. 05/01/2004 LAST LNM: 40/04 VA- CHESAPEAKE BAY CAPE CHARLES TO NORFOLK HARBOR ADD Tabulation - Norfolk Harbor and Approaches | centered at | NAD 83 centered at | NOS NW - 8312,8329 36-53-20.000N | 41/04 076-10-00.000W |
| 12224 | 23 rd ed. 12/01/2002 LAST LNM:36/04 VA- CHESAPEAKE BAY CAPE CHARLES TO WOLF ADD Tabulation - York Spit Channel Depths | centered at | NAD 83 centered at | NOS NW –8300 37-18-21.500N | 41/04 075-56-42.000W |
| 12254 | 24 th ed. 02/01/2004 LAST LNM: 21/04 VA- CHESAPEAKE BAY CAPE HENRY TO THIMBLE SHOAL LIGHT ADD Tabulation - Thimble Shoal Channel Tab | centered at | NAD 83 centered at | NOS NW – 8326 36-53-16.000N | 41/04 076-11-00.000W |
| 12277 | 33 rd ed. 10/01/2004 LAST LNM: 39/04 MD-DE-CHESAPEAKE AND DELAWARE CANAL NEW EDITION New edition due to various general changes and new hydrography. This NOAA chart is now available in both the Print-on Demand and digital raster formats. See http://chartmaker.ncd.noaa.gov/mcd/dole.htm for details. The corresponding traditional paper chart will be available in two to eight weeks. | 1: 20,000 | NAD 83 1: 20,000 | NOS NOS | 41/04 41/04 |
| 12316 | 31 st ed. 05/01/2004 LAST LNM: 40/04 NJ- LITTLE EGG HARBOR TO CAPE MAY (SIDE A) DELETE Dashed magenta line ADD Dashed magenta line Submarine cable (Cht 1, L30.1) | from to to from to and from to from to to to | NAD 83 centered at | NOS NW – 8238 39-35-42.680N 39-34-12.610N 39-33-32.750N 39-35-29.540N 39-34-10.630N 39-33-52.770N 39-33-32.750N 39-32-54.770N 39-32-51.000N 39-33-04.810N 39-32-47.480N | 41/04 074-18-58.640W 074-16-29.390W 074-15-56.930W 074-18-53.420W 074-16-54.140W 074-16-27.150W 074-15-56.930W 074-14-51.080W 074-14-36.650W 074-13-39.060W 074-11-06.540W |
| 13003 | 48 th ed. 06/01/2003 LAST LNM: 38/04 | | NAD 83 | CGD05 | 41/04 |

ATLANTIC COAST- CAPE SABLE TO CAPE HATTERAS

ADD

NOAA Data Lighted Buoy 41025, FI (4) Y 20s in

35-03-25.000N

075-22-50.000W

A weekly electronic update service is now available for NOAA's digital, raster nautical charts. All Notice to Mariner corrections from USCG, NGA and CHS are included. The service is provided via a partnership between NOAA and Maptech, Inc. Further information is available from NOAA at (301)-713-2770, <http://chartmaker.ncd.noaa.gov> or from Maptech at (978)-933-3000, <http://www.maptech.com>.

V. ADVANCE NOTICES: This section contains advance notice of approved projects, changes to aids to navigation, bridge regulations or upcoming temporary changes such as dredging, etc. Mariners are advised to use caution while transiting these areas. Comments on this change should be forwarded to the: **Commander Fifth Coast Guard District (oan) or (obr), 431 Crawford Street, Portsmouth, VA 23703-5004**

NJ - ABSECON INLET - AIDS TO NAVIGATION CHANGE

The Coast Guard will discontinue Absecon Inlet Breakwater Light 7 (LLNR 1195) on or about 01 December, 2004. **Chart 12318.**

MD - CHESAPEAKE BAY - TAR BAY - AIDS TO NAVIGATION CHANGE

On or about 30 November, 2004 the aids to navigation in Tar Bay will be relocated and signals changed to mark the realigned and dredged channel. Mariners are advised to navigate with caution until these changes are completed and review the LNM and BNMs for the status of these aids. **Charts: 12230, 12261, & 12264.**

VA - VIRGINIA INSIDE PASSAGE - AIDS TO NAVIGATION CHANGE

The Coast Guard will be discontinuing Ramshorn Channel Light 2 (LLNR 6960) and changing Virginia Inside Passage Daybeacon 215 (LLNR 6355) to Virginia Inside Passage Light 215 (LLNR 6355) showing a FI G 4s. Lighting equipment will be removed when endangered by ice. **Charts: 12221 & 12224.**

BRIDGE ADVANCE NOTICE

None.

VI. PROPOSED CHANGES: Periodically the Coast Guard evaluates the system of Aids To Navigation and bridge regulations to determine whether the conditions for which the aids were established have changed. All comments should include the following information: 1) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night. 2) Where practicable, the type of navigation devices, such as compasses, radio direction finders, radar, LORAN, DGPS, and search lights, with which such vessels are equipped. 3) The number of passengers and type, quantity, and value of cargo involved. 4) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement. Written comments on this proposal should be forwarded to: **Commander Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23703-5004**

PA/NJ - UPPER DELAWARE RIVER- CHANGE TO AIDS TO NAVIGATION

The Coast Guard is soliciting comments on the following proposed changes:

To seasonally discontinue the following buoys in mid-December 2004 and then to seasonally maintain these buoys from **May 15 to Sep 30 annually:**

Upper Delaware River Buoy 98 (LLNR 4310)

Upper Delaware River Buoy 99 (LLNR 4315)

Upper Delaware River Buoy 101 (LLNR 4320)

Upper Delaware River Buoy 102 (LLNR 4325)

Upper Delaware River Buoy 103 (LLNR 4330)

Upper Delaware River Buoy 104 (LLNR 4335)

Chart: 11552.

Comments concerning this proposal may be sent to the above address, attention Mr. Tom Flynn, not later than **01 November, 2004.**

CHOPTANK RIVER AND HERING BAY - IRISH CREEK - CHANGES TO AIDS TO NAVIGATION

Due to shoaling in Irish Creek, the Coast Guard is proposing discontinuing Irish Creek Buoy 1 (LLNR 25505), Irish Creek Buoy 2 (LLNR 25510), Irish Creek Daybeacon 3 (LLNR 25515), Irish Creek Daybeacon 4 (LLNR 25520) and Irish Creek Daybeacon 6 (LLNR 25525).

Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **01 December, 2004.** **Chart: 12266**

VA - CHESAPEAKE BAY - TANGIER SOUND - SMITH ISLAND - BIG THOROFARE WEST - SMITH ISLAND WEST SIDE WARNING DAYBEACON. CHANGE TO AIDS TO NAVIGATION

The Coast Guard is soliciting for comments on discontinuing Smith Island West Side Warning Daybeacon (LLNR 23195). Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **25 October, 2004.** **Chart: 12231.**

NC - DISESTABLISHMENT OF BODIE ISLAND LIGHT (LLNR 590) AS A FEDERAL AIDS TO NAVIGATION

The Coast Guard is soliciting comments on the transfer of Bodie Island Light (LLNR 590) from a federal maintained to a private aids to navigation to be maintained by the National Park Service (NPS). Comments concerning this proposal may be sent to the above address, attention Mr. Tom Flynn, not later than **01 November, 2004.**

BRIDGE PROPOSALS: Written comments on these issues should be forwarded to: **Commander Fifth Coast Guard District (obr), 431 Crawford Street, Portsmouth, VA 23703-5004**

NJ - MANASQUAN INLET - MANASQUAN RIVER - TEMPORARY DEVIATION FOR ROUTE 70 BRIDGE

The U.S. Coast Guard has issued an extension of a temporary deviation to test an alternate drawbridge regulation for the Route 70 Bridge, mile 3.4, across Manasquan River, at Riviera Beach, New Jersey. Under this temporary 90-day deviation, effective **August 2, 2004, through October 31, 2004,**

the Route 70 Bridge will open on signal on the hour, except that from 5 p.m. to 7 p.m., Monday through Friday and from 11 p.m. to 7 a.m. the draw need not be opened. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public. Comments on this test deviation should be forwarded to the above address attention (obr) no later than **November 5, 2004**. Copies of **PUBLIC NOTICE 5-1022** which describes the test deviation in detail can be obtained by writing to the above address or by calling (757) 398-6222. **Chart 12324.**

VA – ATLANTIC INTRACOASTAL WATERWAY (AIWW), SOUTHERN BRANCH OF THE ELIZABETH RIVER TO THE ALBERMARLE AND CHESAPEAKE CANAL – CHANGE IN REGULATION - The U.S. Coast Guard proposes to change the regulations that govern the operation of the Norfolk Southern #7 Railroad Bridge across the Southern Branch of the Elizabeth River, at AIWW mile 5.8, in Chesapeake, VA. The Norfolk Southern Corporation, who owns and operates this drawbridge, requested changes to the operating procedures for the drawbridge. This proposed rule would increase vessel openings and eliminate the need for a bridge tender by allowing the bridge to be operated from a remote location. This proposed change would provide for the reasonable needs of navigation. Comments on this proposal should be forwarded to the above address attention (obr) no later than **October 26, 2004**. Copies of **PUBLIC NOTICE 5-1024** which describe the change in detail can be obtained by writing to the above address or by calling (757) 398-6422. **Chart 12253.**

VII. GENERAL: This section contains information of general concern to the mariner. Mariners are advised to use caution while transiting these areas. The following is a list of dredging/construction operations being conducted in the Fifth Coast Guard District. Mariners should be aware that the dredge and pontoon lines are held in place by cables, which are attached to anchors some distance from the dredge and pontoons. Buoys are attached to the anchors so that they may be moved as the dredge advances. Mariners are advised that dredges, tugs, barges, submerged and or floating navigation may be temporarily relocated to facilitate dredging. The dredge and related equipment will be lighted and marked in accordance with International or Inland Navigation Rules and the dredge will monitor Channels 13 and 16 VHF-FM unless otherwise noted. Mariners are cautioned to strictly comply with Inland Navigation Rules when approaching, passing and leaving the area of operation, to remain a safe distance from the equipment, and to contact the dredge for specific transiting information.

CONSTRUCTION/DREDGING LOCAL NOTICE TO MARINERS NOTIFICATION DEADLINES

Construction and dredging companies should notify **Commander, Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23704-5004** at least 3 weeks prior to operation begin date for information to be published in the **Local Notice to Mariners**. It is requested that notification be delivered by letter or fax and followed up by telephone. Fax # (757) 398-6303 and voice Phone # (757) 398-6552 /6225.

| LOCATION | START/COMPLETION DATE | DREDGE/COMPANY | REF LNM |
|--------------------------------------------------------------------------|-----------------------|------------------------|---------|
| MD – Baltimore Harbor – Dredging | Until further notice | WEEKS MARINE | 23/03 |
| NJ – Fairless Turning Basin – Dredging | 01 Oct 001 Nov 2004 | PULLEN | 39/04 |
| NJ – Manasquan Inlet – Dredging | 10 Oct – 31 Dec 2004 | MIKE THOMAS | 39/04 |
| NJ – Cape May Inlet to Cape May Point – Beach Nourishment | 20 Sep – 20 Dec 2004 | R.N. WEEKS | 37/04 |
| VA – Rappahannock RV/Hoskins Creek – Dredging | 11 Oct – 01 Nov 2004 | MARION | 41/04 |
| VA – Norfolk Naval Station Pier 6 – Dredging | 13 Sep – 15 Dec 2004 | VIRGINIAN | 37/04 |
| VA – Norfolk Harbor Reach – Dredging | 01 Oct – 01 Aug 2005 | CHARLESTON | 37/04 |
| VA – York River – York River Refinery - Dredging | 18 Aug – 30 Oct 2004 | DREDGE DB-2400 | 32/04 |
| VA – Elizabeth River – Craney Island Reach – Dredging | 04 Jun – 04 Jan 2005 | R.S. WEEKS | 22/04 |
| VA – Rudee Inlet – Dredging | Until Further Notice | RUDEE II | |
| VA – Elizabeth River – Western Branch – Bridge demolition/Construction | Apr 2002 – Dec 2004 | Tidewater Construction | 16/02 |
| NC – Lockwoods Folly – Dredging | 20 Sep – 25 Oct 2005 | RICHMOND | 38/04 |
| NC – Northeast Cape Fear River/Smith Creek Parkway – Bridge Construction | 01 Jun – 31 Jan 2005 | TIDEWATER CONSTR | 19/03 |
| NC – Oregon Inlet – Dredging | 13 Sep – 12 Nov 2004 | BEACHBUILDER | 35/04 |

INFORMATION CONCERNING BRIDGES ACROSS NAVIGABLE WATERS OF THE FIFTH COAST GUARD DISTRICT

The following is a list of operating information for certain bridges within the Fifth Coast Guard District. Mariners are advised that the bridges may be operating on a temporary schedule, with reduced clearances, undergoing bridge repairs or under new bridge construction. Mariners are advised to proceed with caution, comply with Inland Navigation Rules at all bridges and to contact the bridge on channels 13 and 16 VHF-FM. For more information refer to the referenced **Local Notice To Mariner** or contact the **Commander, Fifth Coast Guard District (oan-b), 431 Crawford Street, Portsmouth, VA, 23704-5004** via written correspondence, by voice phone at (757) 398-6222., or at the LANTAREA Office Aids to Navigation INTERNET SITE.

| BRIDGE | TYPE | WATERWAY | MILE | SUBJECT | COMP. DATE | LNM |
|---------------------------------------|------|--------------------------|-------|-----------------------|-----------------------|-------|
| Christina River Bridge | F | Delaware River | 5.5 | Bridge repairs | Until further notice | 42/02 |
| Ben Franklin Bridge | | Delaware River | 100.2 | Painting/sandblasting | Until further notice | 47/03 |
| Third Street Bridge | B | Delaware/Christina River | 2.3 | Bridge repair | Until further notice | 19/01 |
| Woodrow Wilson Bridge | B | Potomac River | 103.8 | Bridge Replacement | Until further notice | 20/01 |
| Route 50 Hwy Bridge | | Choptank River | 15.6 | Cleaning/Painting | 05 February 2005 | 32/04 |
| Choptank River Bridge | | Choptank River | 51.2 | Painting | 30 September 2004 | 28/04 |
| Route 13 Bridge Pocomoke MD | | Pocomoke River | 15.8 | Cleaning/Painting | 31 October 2004 | 32/04 |
| SR 123 Occuquan River | | Occuquan River | 5.0 | Bridge construction | 30 May 2005 | 43/03 |
| VA Rt. 33 Mattaponi River | | Mattaponi River | | Bridge Construction | Nov 2006 | 23/04 |
| Jones Creek | | James River | | Bridge Replacement | Until further notice | 35/03 |
| Weems/College Creek bridge | | Weems and College Creek | | Bridge Construction | Until further notice | 16/04 |
| Virginia Rt. 33/Lord Delaware Birdge. | | Mattaponi River | | Bridge Construction | Until further notice. | 17/04 |

KEY: F=Fixed, DR=Draw, RIV=River, CH=Channel, HBR=Harbor, AICWW=Atlantic Intracoastal Waterway, B=Bascule, E=East(Eastern), W=West(Western), S=South(Southern), N=North(Northern), SW=Swing Bridge, SYS=System, RR=Railroad, Sked=Schedule, Constr=Construction, Rest=Restricted, SR=State Route, RSP=Removable Span, VL=Vertical Lift

SUMMARY OF GENERAL ARTICLES IN EFFECT FOR THE WATERS OF THE FIFTH COAST GUARD DISTRICT

NJ – GREAT EGG HARBOR BAY – RAINBOW AND ELBOW THOROFARES – BRIDGE INFORMATION

Mariners are advised to use caution when transiting the following :Route 52 bridges over Great Egg Harbor Bay: Rainbow Thorofare, at mile 0.5, in Ocean City, New Jersey, and Elbow Thorofare, mile 1.0, in Somers Point, New Jersey. Structural inspection crews will be on site from **October 18 to 22, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart 12316.**

LNM 41/04

NJ – GREAT BAY – MULLICA RIVER – NACOTE CREEK - BRIDGE INFORMATION

Mariners are advised to use caution when transiting the US 9 Bridge over Nacote Creek, mile 1.5, in Port Republic, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart: 12316.**

LNM 38/04

NJ – GREAT BAY - MULLICA RIVER – BRIDGE INFORMATION

Mariners are advised to use caution when transiting the Route 563/Green Bank Road Bridge over Mullica River, mile 18.0, in Green Bank, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart: 12316.**

LNM 38/04

NJ – INTRACOASTAL WATERWAY (ICW) - LITTLE EGG HARBOR TO CAPE MAY – INSIDE THOROFARE – BRIDGE INFORMATION

Mariners are advised to use caution when transiting the Dorset Avenue Bridge over Inside Thorofare, at ICW mile 71.2, in Ventnor City, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart: 12316.**

LNM 38/04

NJ-DE-DELAWARE RIVER – SHORELINE PROTECTION CONSTRUCTION

The Agate Construction Company will be using two barges to perform shoreline protective construction approximately 100 feet from the shoreline on the Northeast side of Pea Patch Island. Construction will continue until late **February 2005**. Mariners are requested to transit the area with caution and no wake. The construction company can be contacted on Channel 13 or 16 VHF-FM.

LNM 41/04

NJ – DE – DELAWARE BAY – PEA PATCH ISLAND - SHORELINE CONSTRUCTION

The Agate Construction Company will be using 2 barges to perform shoreline protective construction approximately 100 feet from the shoreline on the northeast side of Pea Patch Island. Construction will continue until late February 2005. Mariners are advised to transit this area with extreme caution and at safe speed to maintain safe steerage as to minimize wake. **Chart 12311.**

LNM 41/04

MD – CHESAPEAKE BAY – PATUXENT RIVER –DIVING OPERATIONS

The U. S. Navy will be conducting diving operations in the Patuxent River, approximately 300 yards SW of Point Patience, from **October 23 to November 6, 2004**, between 7:30 a.m. and 4 p.m. daily. The 135-foot Navy dive vessel LCU 1647 will anchor using a two-point anchoring system to a mooring buoys that will remain in place during these dates, which are located in approximate positions 38° 19' 45" N, 076° 29' 18" W, and 38° 19' 38" N, 076° 29' 13" W. The vessel will display CODE ALPHA and DIVER DOWN flags during diving operations. Mariners are advised that anchor lines attached to buoys may extend from the vessel. In addition, as defined by 33 Code of Federal Regulations Part 165 Subpart G, a Naval Vessel Protection Zone is established in the navigable waters surrounding the naval vessel. At all times within the 500-yard regulated area of water, vessels shall operate at the minimum speed necessary to maintain safe course, unless required to maintain speed by the Navigation Rules or if otherwise authorized by the Coast Guard, Senior Naval Officer Present in Command, or Official Patrol. No vessel or person is allowed within 100 yards of the naval vessel unless authorized by the Coast Guard, Senior Naval Officer Present in Command, or Official Patrol. Mariners with concerns are advised to contact the naval vessel on Channel 13 or 16 VHF-FM, or Coast Guard Activities Baltimore at (410) 576-2693. **Chart: 12264.**

LNM 41/04

MD – CHESAPEAKE BAY – PATAPSCO RIVER - BRIDGE INFORMATION

Mariners are advised to take caution when approaching the Francis Scott Key Bridge over the Patapsco River, Mile 6.0, in Baltimore, Maryland. The bridge will be cleaned and painted between **September 16, 2004 and June 16, 2005**. Barges will be used but the channel shall remain open/unrestricted for the passage of vessels. **Chart: 12278.**

LNM 37/04

VA – RAPPAHANNOCK RIVER – HOSKINS CREEK – DREDGING

The Dredge MARION will be conducting dredging operations in Hoskins Creek from **11 October, 2004 through 01 November, 2004**. The dredge can be contacted on VHF-FM Channels 13 and 16. Mariners are requested to stay clear of the dredge, floating and submerged pipeline, buoys and wires and review comments concerning dredging operations under **General Articles VII**. Mariners are requested to exercise extreme caution and **no wake** when approaching, passing and leaving the dredge location and to strictly comply with Inland Rules of the Road and watch for indications of a submerged or partially submerged pipeline. **Charts:12237.**

LNM 41/04

NC – NEUSE RIVER – TRENT RIVER – BRIDGE INFORMATION

Mariners are advised that the SR 70 Bridge, at mile 0.0, across Trent River in New Bern, NC, will be maintained in the closed-to-navigation position from 7:45 a.m. to 9:30 a.m. on Saturday, **October 16, 2004**. The bridge will be closed to vessels to facilitate the Inaugural Think/Pink 5/10K Bridge run/walk. The available vertical clearance in the closed position to vessels is approximately 13 feet, at MHW. To avoid delays, mariners should adjust their schedule accordingly. **Chart: 11552.**

LNM 40/04

VIII. LIGHT LIST CORRECTIONS FOR COMDTPUBP16502.2 VOLUME II, 2004 EDITION.

An asterisk*, indicates the column in which a correction has been made or new information added.

The 2004 Light List Summary of Corrections and an updated Light List can be found at:

<http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm>

| LLNR | (2) Name and Location | (3) N/W Position | (4) Characteristic | (5) Ht | (6) Rng | (7) Structure | (8) Remarks | (9) LNM |
|--------------|----------------------------------------------------|-------------------------------|-----------------------|-----------|------------|---------------------------------------------------------|---------------------------------------------------------|------------|
| 615 27995 | - JETTY LIGHT | 35 46 26 N 75 31 30 W * | Iso W 6s | 28 | 7 | NB on pile. | | 41/04 |
| 637 * | NOAA Data Lighted Buoy 41025 (ODAS) * | 35 03 25N 75 22 50W * | FI (4) Y 20s * | | 6 * | Yellow boat shaped hull. * | * | 41/04 |
| 640 | Diamond Shoal Lighted Buoy 12 | 35 09 05 N 75 17 33 W | Q R | | 4 * | Red. * | Marks remaining structure of Diamond Shoal Light. | 41/04 |
| 790 29650 | New River Inlet Lighted Whistle Buoy NR * | 34 31 02 N 77 19 33 W * | Mo (A) W | | 6 | Red and white stripes with red spherical topmark. | | 41/04 |
| 27995 615 | - OREGON INLET JETTY LIGHT | 35 46 26 N 75 31 30 W * | Iso W 6s | 28 | 7 | NB on pile. | | 41/04 |
| 28337 | - Buoy 8A | | | | | | Remove from list. * | 41/04 |
| 29650 790 | - Lighted Whistle Buoy NR | 34 31 02 N 77 19 33 W * | Mo (A) W | | 6 | Red and white stripes with red spherical topmark. | | 41/04 |

ENCLOSURES/LINKS/MARINE EVENTS/TEMPORARY SPECIAL REGULATIONS

- Chart 12204 [Tabulation](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm) - Pamlico and Roanoke Sound. [HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)
- Chart 12208 [Tabulation](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm) - Norfolk Harbor and Chesapeake Bay. [HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)
- Chart 12221 [Tabulation](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm) - Thimble Shoal and Chesapeake Bay Entrance Channel Depths. [HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)
- Chart 12222 [Tabulation](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm) - Norfolk Harbor and Approaches. [HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)
- Chart 12224 [Tabulation](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm) - York Spit Channel Depths. [HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)
- Chart 12254 [Tabulation](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm) - Thimble Shoal Channel Tab. . [HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)

7. **Special Local Regulation for Marine Events; Southern Branch, Elizabeth River, Portsmouth, VA**

SUMMARY: The Coast Guard is establishing temporary special local regulations during the "International Search and Rescue Competition", a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Southern Branch of the Elizabeth River during the event.

DATES: This rule is effective from 8 a.m. to 6 p.m. on November 5 and 6, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-138 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On August 30, 2004, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, VA in the Federal Register (69 FR 52840). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 USC 553(d)(3) the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the Federal Register because delaying the rule would be impractical and contrary to public interest as the event will take place on November 5 and 6, 2004.

Background and Purpose

On November 5 and 6, 2004, the Coast Guard and Canadian Auxiliaries will sponsor the "International Search and Rescue Competition", a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. The event will consist of International teams competing in various events designed to demonstrate competence in maritime search and rescue techniques. To provide for the safety of participants, spectators and support vessels, the Coast Guard proposes to temporarily restrict vessel traffic in the Southern Branch of the Elizabeth River, including the North Ferry Landing, during the event.

Discussion of Comments and Changes

No comments were received in response to the notice of proposed rulemaking (NPRM) published in the Federal Register. Accordingly, the Coast Guard is establishing temporary special local regulations on specified waters of the Southern Branch of the Elizabeth River. Since no comments were received, no changes to this regulation were made.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Southern Branch of the Elizabeth River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the Southern Branch of the Elizabeth River whenever the Coast Guard Patrol Commander determines it safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small

entities. This rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit the Southern Branch of the Elizabeth River during the event.

This rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for only a short period. The regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be allowed to transit the Southern Branch of the Elizabeth River whenever the Coast Guard Patrol Commander determines it safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:
Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.
2. Add temporary § 100.35-T05-138 to read as follows:

§ 100.35-T05-138, Southern Branch, Elizabeth River, Portsmouth, VA

(a) Regulated area. The regulated area is established for the waters of the Southern Branch of the Elizabeth River including the North Ferry Landing, from shoreline to shoreline, bounded to the north by a line drawn along Latitude 36°50'23" N and bounded to the south by a line drawn along Latitude 36°50'12" N. All coordinates reference Datum: NAD 1983.

(b) Definitions:

- (1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the

Commander, Coast Guard Group Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) Participant includes all vessels participating in the International Search and Rescue Competition under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Group Hampton Roads.

(c) Special local regulations:

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(d) Effective period. This section will be effective from 8 a.m. to 6 p.m. on November 5 and 6, 2004.

Dated: October 7, 2004

8. Special Local Regulations for Marine Events; Willoughby Bay, Norfolk, VA

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the "Hampton Roads Sailboard Classic", a marine event to be held **October 23 and 24, 2004** on the waters of Willoughby Bay, Norfolk, Virginia. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Willoughby Bay during the event.

DATES: This rule is effective from 10 a.m. to 4:30 p.m. on October 23, 2004 and from 9:30 a.m. to 3 p.m. on October 24, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-04-184 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: D. M. Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be impracticable and contrary to public interest, as the event will take place on October 23 and 24, 2004. The danger posed to participants by wakes from transiting vessels make special local regulations necessary to provide for the safety of event participants, support craft and other vessels transiting the event area.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of participants, support craft, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. Additionally, advance notifications will be made to affected users of the waterway via marine information broadcasts and area newspapers.

Background and Purpose

The Windsurfing Enthusiasts of Tidewater will sponsor the marine event "Hampton Roads Sailboard Classic" on October 23 and 24, 2004, on the waters of Willoughby Bay, Norfolk, Virginia. The event will consist of approximately 40 sailboards racing in heats along several courses within Willoughby Bay. Spectator vessels are expected to gather near the event site to view the competition. To provide for the safety of event

participants, spectators and transiting vessels during the event, the Coast Guard will temporarily restrict vessel movement in the event area during the sailboard races.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of Willoughby Bay. The temporary special local regulations will be in effect from 10 a.m. to 4:30 p.m. on October 23, 2004 and from 9:30 a.m. to 3 p.m. on October 24, 2004. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. Non-participating vessels desiring to transit Willoughby Bay during the event will be able to navigate safely around the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation prevents traffic from transiting a portion of Willoughby Bay during the event, the effect of this regulation will not be significant because transiting vessels will be able to safely navigate around the regulated area and extensive advance notifications will be made to the maritime community via marine information broadcasts and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this section of Willoughby Bay during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. Transiting vessels will be able to safely navigate around the regulated area. Extensive advance notifications will be made to the maritime community via marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or

by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100 – SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add a temporary section, § 100.35-T05-184 to read as follows:

§ 100.35-T05-184, Willoughby Bay, Norfolk, VA.

- (a) Regulated area. The regulated area is established for the waters of Willoughby Bay contained within the following coordinates:

| <u>Latitude</u> | <u>Longitude</u> |
|---------------------|---------------------|
| 36° 58' 36.0" North | 076° 18' 42.0" West |
| 36° 58' 00.0" North | 076° 18' 00.0" West |
| 36° 57' 49.0" North | 076° 18' 14.0" West |
| 36° 57' 36.0" North | 076° 17' 55.0" West |
| 36° 57' 26.0" North | 076° 18' 06.0" West |
| 36° 58' 15.0" North | 076° 19' 08.0" West |
| 36° 58' 36.0" North | 076° 18' 42.0" West |

All coordinates reference Datum NAD 1983.

- (b) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

- (c) Special local regulations:

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

- (2) The operator of any vessel in this area shall:

- (i) ***Stop the vessel immediately when directed to do so by any Official Patrol.***
- (ii) Proceed as directed by any Official Patrol.

- (d) Effective Dates. This section is in effect from 10 a.m. to 4:30 p.m. on October 23, 2004 and from 9:30 a.m. to 3 p.m. on October 24, 2004.

9. Anchorage Grounds, Hampton Roads, VA

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the anchorage regulations in the Port of Hampton Roads. Infrastructure improvements and increases in vessel traffic and draft entering the port have prompted this proposed rulemaking. The proposed changes to this regulation will ensure that the Hampton Roads Anchorage Grounds continue to safely support current and future vessel anchoring demands.

DATES: Comments must be received on or before **[Insert date 90 days after publication in the Federal Register]**

ADDRESSES: You may mail comments and related material to

Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Room 401, Portsmouth, VA 23704-5004. Commander (oan), Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble

as being available in the docket, will become part of this docket and will be available for inspection or copying at the Fifth Coast Guard District between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Timothy Martin, Fifth Coast Guard District (oan), (757) 398-6285, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-04-043), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please, submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But, you may submit a request for a meeting by writing to the Aids to Navigation and Waterways Management Branch at the address under ADDRESSES explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in

the Federal Register.

Background and Purpose

Recreational, public, and commercial vessels use the Hampton Roads Anchorage Grounds. General regulations covering the anchorage of vessels in the port are set out in 33 CFR 110.168. In June 1986, the U.S. Army Corps of Engineers (USACE) completed a study of the Norfolk Harbor, including its anchorages. The study is entitled, "General Design Memorandum 1, Norfolk Harbor and Channels, Virginia, Main Report." Comments from the Coast Guard, Navy, Virginia Port Authority, Virginia Pilots Association and Hampton Roads Maritime Association requesting improvements to Anchorages F and K were considered in the study.

Anchorage F currently has two 400-yard radius berths. The USACE, in 1998, constructed a single 500-yard radius berth for Anchorage F and is currently maintaining the anchorage at a project depth of 50 feet. This proposed rule would change Anchorage F to a single 500 yard radius berth to reflect the construction completed by the USACE in 1998. The USACE was congressionally authorized in November of 1986 to increase the channel depth of Anchorage F to 55 feet deep, see H. Doc. 99-85, 99th Cong., 1st session. Improvements were also proposed by the Coast Guard to the Newport News Middle Ground, Anchorage K, by increasing the easternmost berth, K-1 from a swing radius of 400 yards to one of 500 yards. In addition, Berth K-2, currently maintained at 40 feet, would be deepened to 45 feet. The increase in size to Berth K-1, the increase in depth to Berth K-2 and the increase in depth to Anchorage F have all been congressionally authorized and will be scheduled once the increase in arrivals of vessels with deeper drafts support the project. The circular boundaries for Berth K-1, referred to as East Anchorage, and Berth K-2, referred to as West Anchorage, will be shown on future chart editions for the area when the final rule for this regulation is published.

It is proposed that Anchorage K be separated into an upper and lower section, and divided by the Fairway for Shallow Draft Vessels and Tows. This would restrict vessels from anchoring inside the limits of that channel.

A new quarantine anchorage, new Anchorage Q, is proposed to replace Berth K-3, which is currently not maintained by the USACE. The new quarantine anchorage would be located east of York Spit Channel between Chesapeake Channel Lighted Buoy 36 and Chesapeake Channel Lighted Buoy 38 west of Cape Charles. The new anchorage would be located in naturally deep water with charted depths in excess of 60 feet and would have two 500-yard, swing-radius berths.

Current trends indicate that shipping companies will call on the Port of Hampton Roads using larger, deeper draft vessels, thereby creating a need for fewer trips when visiting the port of Hampton Roads in the future. With the increase in size, The Navigation Plan for the Port of Hampton Roads, conducted by the USACE in February of 2000, indicated that by the year 2010 almost 40 percent of containerized cargo will be moved on ships capable of carrying 4,000 twenty-foot trailer equivalent units (TEU). Some "Mega Ships" already in service are capable of carrying up to 6,000 TEUs. The average container ship calling on the port today carries between 1,500 and 4,000 TEUs. The bulk carriers that call on the Port of Hampton Roads have also

increased in size and will play a significant role in the port's future design considerations. In addition to the projected increase in the size of vessels calling on the Port of Hampton Roads, there are two infrastructure improvement projects in the port that affect the anchorage grounds. In September 2001, APM Terminals North America, Inc. (Maersk) purchased 570 acres of property located on the Elizabeth River, south of Craney Island. Dredging has begun in the vicinity of Anchorage P for the development of a major marine container handling facility on this property. The first ship is due to moor at this new terminal sometime in 2007. Anchorage P lies between the future terminal and the Federal navigation channel. Parts of Anchorage P will be made unusable following completion of the terminal and the approach channels. Maersk has requested the discontinuation of Anchorage P.

Likewise, the construction of the Norfolk International Terminal North (NIT North) approach channel, which passes through the existing Anchorage M, has rendered that anchorage unusable. This proposed rule would discontinue Anchorage M.

To further enhance the safety of the port anchorages, this rule proposes to amend the regulations of the boundaries of Berths 3 and 4 within Explosive Anchorage G. Currently, these berths overlap each other and pose a potential hazard to anchored vessels. The proposed rule would separate the berths, eliminating the risk of collision as a result of overlapping swing circles.

The proposed rule would rename existing Anchorage R as Anchorage M, rename existing Anchorage T as Anchorage N, rename existing Anchorage U, The Hague, as Anchorage O, The Hague.

The proposed rule would eliminate existing Anchorages Q and S. The proposed changes are listed in the following

Table:

| Current Anchorage [33 CFR 110.168 (a)] | Proposed Change |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-Cape Henry Naval Anchorage (1) | No change |
| B-Chesapeake Bay, Thimble Shoals Channel Naval Anchorage (CBTSC) [(2)(i)] | No change |
| C-CBTSC Naval Anchorage [(2)(ii)] | No change |
| D-CBTSC Navel Anchorage [(2)(iii)] | No change |
| E-Commercial Explosive Anchorage [(2)(iv)] | No change |
| E-1 Explosive Handling Berth [(2)(iv)(A)] | No change |
| F-Hampton Bar [(3)(i)] | No changes to anchorage limits. One 500-yard swing radius berth would replace two 400 yard swing radius berths. Single berth dredged to a depth of 50 feet in 1998, authorized depth 55 feet. New regulations would be included in part [(e)(3)] excluding vessels with drafts less than 45 ft from using Anchorage F without permission from the Captain of the Port. Previously, vessels with a draft less than 40 ft and a length of less than 700 ft were excluded. |
| F-1 [(3)(i)(A)] | Designation would refer to 500 yard berth. |
| F-2 [(3)(i)(B)] | Discontinue F-2 |
| G-Hampton Flats Naval Explosives Anchorage [(3)(ii)] | New center positions created for Berths 3 and 4, which would remove overlapping circumferences |
| G-1 Explosives Handling Berth [(3)(ii)(A)] | No change |
| G-2 Explosives Handling Berth [(3)(ii)(B)] | No change |
| G-3 Explosives Handling Berth [(3)(ii)(C)] | A new center position would replace current center position to remove overlapping circumferences with G-4. |
| G-4 Explosives Handling Berth [(3)(ii)(D)] | A new center position would replace current center position to remove overlapping circumferences with G-3. |
| H - Newport News Bar [(3)(iii)] | No change |

| | |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| I - Newport News [(4)(i)] | No change to existing boundary lines. A new center position is proposed for Berth I-2. |
| I-1 [(4)(i)(A)] | No change |
| I-2 [(4)(i)(B)] | A new center position would replace current center position removing ambiguous boundary lines. |
| J - Newport News Middle Ground [(4)(ii)] | No change |
| K – Newport News Middle Ground [(4)(iii)] Anchorage [(3)(ii)] | Replace boundary lines for K-1 and K-2 with berth circumferences. The CG proposes to remove K-3. Separate Anchorage K into an Upper and Lower section. |
| K-1 East Anchorage [(4)(iii)(A)] | K-1 would have a 400 yard swing radius and be maintained at a depth of 45 ft. Future plans include increasing the swing radius to 500 yards. |
| K-2 - West Anchorage [(4)(iii)(B)] | K-2 would have a 400 yard swing radius and be maintained at a depth of 40 ft. Future plans include increasing the depth to 45 ft. |
| K-3 - Quarantine Berth [(4)(iii)(C)] | We propose to remove K-3 and establish a new quarantine anchorage adjacent to Cape Charles, east of York Spit Channel. |
| L-Craney Island Flats [(4)(iv)] | No change |
| M-Norfolk Harbor Channel Anchorages (NHCA) [(5)(i)] | Old Anchorage M would be eliminated. |
| N-NHCA [(5)(ii)] | Old Anchorage N would be eliminated |
| O-NHCA [(5)(iii)] | Old Anchorage O would be eliminated. |
| P-Lambert's Point [(6)(i)] | We would eliminate Anchorage P. |
| Q-Elizabeth River Anchorage (ERA)[(6)(ii)] | Old Anchorage Q would be eliminated |
| R-ERA, Port Norfolk [(6)(iii)] | Current Anchorage R would be redesignated Anchorage M. |
| S-ERA, Port Norfolk [(6)(iv)] | We would eliminate Anchorage S. |
| T-ERA, Hospital Point [(6)(v)] | We would rename Anchorage T Anchorage N. |
| U-The Hague [(7)] | We would discontinue the use of the Anchorage U designation. Current Anchorage U would be redesignated Anchorage O. |
| Q-Quarantine Anchorage | We propose to establish a new quarantine anchorage adjacent to Cape Charles east of York Spit Channel. |

Discussion of Proposed Rule

No changes are proposed for Anchorage grounds A, B, C, D, and E. Regulations for Anchorage F would establish one 500 yard radius berth (F-1) that would replace the two 400 yard radius berths. Under our proposed regulations, vessels with a draft less than 45 feet would not be able to anchor in berth F-1 without permission from the Captain of the Port. Currently, vessels with a draft less than 40 feet and a length of less than 700 feet are excluded from using Anchorage F without permission from the Captain of the Port. Anchorage berth F-2 would be discontinued.

New center positions have been calculated for Berths G-3 and G-4 to separate intersecting circumferences. This action would remove any ambiguity and address safety concerns involving overlapping swing circles. Berths G-1 and G-2 would remain unchanged.

A new center position has been calculated for Berth I-2 to position it entirely within the boundary surrounding Anchorage I. The new position will move the berth northeast and remove any ambiguity associated with the limits of Anchorage I or Berth I-2.

No changes are proposed for Anchorages H and J. There are no ongoing improvement projects occurring in Anchorage K other than those required to maintain the two 400 yard radius berths. The circular boundary lines for Berth K-1, East Anchorage, and for Berth K-2, West Anchorage, would be shown on future chart editions instead of the current linear berth boundaries. Berth K-3 would be discontinued. No changes are proposed for Anchorage L.

Anchorage M, formerly referred to as Anchorage R, and Anchorage N, formerly referred to as Anchorage T, would remain available for small boat usage. Anchorage O, formerly referred to as Anchorage U, or The Hague, would also remain available for small boat usage.

A new anchorage would be established to replace the current quarantine berth designated K-3. The current language in 33 CFR 110.168 listing specific regulations for Berth K-3 will be removed. The new quarantine anchorage would be designated Q and located east of York River Spit Channel between Chesapeake Channel Lighted Buoy 36 and Chesapeake Channel Lighted Buoy 38. Two berths, Q-1 and Q-2, each having a radius of 500 yards, would be designated within Anchorage Q. Specific regulations for Quarantine Anchorage, Anchorage Q, formerly Berth K-3, have been added to section (e) of the revised regulation. The letter designations P, R, S, T, and U would be discontinued.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

The proposed rule changes complement current anchorage usage and waterway modifications made by the USACE resulting in minimal impact.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule would affect the owners or operators of small pleasure craft wishing to anchor in the Elizabeth River anchorages that would be discontinued due to shallow natural water depths.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its affects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Junior Grade Timothy Martin, Fifth Coast Guard District (oan), at (757) 398-6285. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

The proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).
Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the

private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(f), of the Instruction, from further environmental documentation. The proposed rule deals directly with establishing, disestablishing and renaming anchorage areas.

A draft “Environmental Analysis Check list” and a draft “Categorical Exclusion Determination” are available in the docket where indicated under ADDRESSES. Comments on this section will be considered before we make a final decision on whether the rule should be categorically excluded from further environmental review.

List of subjects in 33 CFR Part 110

Anchorage grounds

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:
PART 110--ANCHORAGE REGULATIONS

1. The authority for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1.

2. Revise § 110.168 to read as follows:

§ 110.168 Hampton Roads, Virginia and adjacent waters (Datum: NAD 83).

(a) Anchorage Grounds. (1) Anchorage A (Naval Anchorage). The waters bounded by the shoreline and a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°55'33.0" N. | 76°02'47.0" W. |
| 36°57'02.8" N. | 76°03'02.6" W. |
| 36°56'45.0" N. | 76°01'30.0" W. |
| 36°55'54.0" N. | 76°01'37.0" W. |

(2) Chesapeake Bay, Thimble Shoals Channel Anchorages.

(i) Anchorage B (Naval Anchorage). The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'58.0" N. | 76°06'07.0" W. |
| 36°57'11.0" N. | 76°03'02.1" W. |
| 36°55'48.8" N. | 76°03'14.0" W. |
| 36°56'31.8" N. | 76°06'07.0" W. |
| 36°57'04.0" N. | 76°06'07.0" W. |
| 36°57'08.5" N. | 76°06'24.5" W. |

(ii) Anchorage C (Naval Anchorage). The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°58'54.8" N. | 76°09'41.5" W. |
| 36°58'18.8" N. | 76°07'18.0" W. |
| 36°57'27.0" N. | 76°07'37.5" W. |
| 36°58'04.0" N. | 76°10'00.0" W. |

(iii) Anchorage D (Naval Anchorage). The waters bounded by the shoreline and a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°55'49.0" N. | 76°10'32.8" W. |
| 36°58'04.0" N. | 76°10'02.1" W. |
| 36°57'31.2" N. | 76°07'54.8" W. |
| 36°55'24.1" N. | 76°08'28.8" W. |

(iv) Anchorage E (Commercial Explosive Anchorage). The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°59'58.7" N. | 76°13'47.0" W. |
| 36°59'08.2" N. | 76°10'33.8" W. |
| 36°58'13.0" N. | 76°10'51.8" W. |
| 36°59'02.0" N. | 76°14'10.2" W. |

(A) Explosive Handling Berth E-1 (Explosives Anchorage Berth): The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°59'05.0" N. | 76°11'23.0" W. |

(3) Hampton Roads Anchorages. (i) Anchorage F, Hampton Bar. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°59'51.6" N. | 76°19'12.0" W. |
| 36°59'25.2" N. | 76°18'48.5" W. |
| 36°58'49.1" N. | 76°19'33.8" W. |
| 36°59'25.0" N. | 76°20'07.0" W. |

(A) Anchorage Berth F-1. The waters bounded by a line connecting the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°59'29.1" N. | 76°19'15.1" W. |

(ii) Anchorage G, Hampton Flats (Naval Explosives Anchorage). The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°59'25.0" N. | 76°20'07.0" W. |
| 36°58'49.1" N. | 76°19'33.8" W. |
| 36°57'41.4" N. | 76°21'07.7" W. |
| 36°57'34.6" N. | 76°21'26.7" W. |
| 36°57'31.1" N. | 76°22'01.9" W. |
| 36°58'07.0" N. | 76°22'03.0" W. |
| 36°58'54.8" N. | 76°21'42.6" W. |

(A) Explosives Handling Berth G-1. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'50.0" N. | 76°21'37.0" W. |

(B) Explosives Handling Berth G-2. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°58'14.0" N. | 76°21'01.5" W. |

(C) Explosives Handling Berth G-3. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°58'34.2" N. | 76°20'31.4" W. |

(D) Explosives Handling Berth G-4. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°58'54.9" N. | 76°20'03.2" W. |

(iii) Anchorage H, Newport News Bar. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°58'07.0" N. | 76°22'03.0" W. |
| 36°57'31.1" N. | 76°22'01.9" W. |
| 36°57'18.0" N. | 76°24'11.2" W. |
| 36°57'38.3" N. | 76°24'20.0" W. |
| 36°57'51.8" N. | 76°22'31.0" W. |

(4) James River Anchorages. (i) Anchorage I, Newport News. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'06.7" N. | 76°24'44.3" W. |
| 36°56'22.6" N. | 76°24'28.0" W. |
| 36°56'03.0" N. | 76°24'37.0" W. |
| 36°57'53.7" N. | 76°26'41.5" W. |
| 36°58'23.0" N. | 76°27'11.0" W. |
| 36°58'48.5" N. | 76°27'11.0" W. |
| 36°58'35.4" N. | 76°26'38.4" W. |
| 36°57'51.7" N. | 76°26'02.8" W. |
| 36°57'30.6" N. | 76°25'34.5" W. |

(A) Anchorage Berth I-1. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'08.5" N. | 76°25'21.6" W. |

(B) Anchorage Berth I-2. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'23.8" N. | 76°25'46.0" W. |

(ii) Anchorage J, Newport News Middle Ground. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'21.0" N. | 76°22'22.1" W. |
| 36°56'46.5" N. | 76°22'39.3" W. |
| 36°56'25.3" N. | 76°23'48.0" W. |
| 36°57'10.2" N. | 76°24'09.9" W. |

(iii) Anchorage K Upper, Newport News Middle Ground. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'56.4" N. | 76°20'30.5" W. |
| 36°57'08.5" N. | 76°20'31.0" W. |
| 36°56'48.8" N. | 76°20'20.1" W. |
| 36°56'45.0" N. | 76°20'32.0" W. |
| 36°56'45.0" N. | 76°21'37.7" W. |
| 36°56'59.2" N. | 76°22'31.5" W. |
| 36°57'21.0" N. | 76°22'22.1" W. |
| 36°57'28.1" N. | 76°21'11.7" W. |

(A) Anchorage Berth K-1. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'30.5" N. | 76°20'45.3" W. |

(B) Anchorage Berth K-2. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°57'16.8" N. | 76°21'09.5" W. |

(iv) Anchorage K Lower, Newport News Middle Ground. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°55'59.9" N. | 76°22'11.7" W. |
| 36°55'59.9" N. | 76°24'00.0" W. |
| 36°56'25.3" N. | 76°23'48.0" W. |
| 36°56'46.5" N. | 76°22'39.3" W. |
| 36°56'53.1" N. | 76°22'34.5" W. |
| 36°56'38.5" N. | 76°21'39.1" W. |
| 36°56'38.5" N. | 76°20'47.0" W. |

(v) Anchorage Berth L, Craney Island Flats. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°56'48.8" N. | 76°20'20.1" W. |
| 36°56'04.2" N. | 76°20'23.7" W. |
| 36°55'59.9" N. | 76°22'11.7" W. |

(5) Elizabeth River Anchorages. (i) Anchorage M, Port Norfolk. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°51'45.7" N. | 76°19'31.5" W. |
| 36°51'45.8" N. | 76°19'20.7" W. |
| 36°51'37.8" N. | 76°19'24.3" W. |
| 36°51'32.5" N. | 76°19'31.1" W. |
| 36°51'40.7" N. | 76°19'37.3" W. |
| 36°51'45.7" N. | 76°19'31.5" W. |

(ii) Anchorage N, Hospital Point. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 36°50'50.0" N. | 76°18'00.0" W. |
| 36°51'05.4" N. | 76°18'22.4" W. |
| 36°50'36.7" N. | 76°17'52.8" W. |
| 36°50'33.6" N. | 76°17'58.8" W. |
| 36°50'49.3" N. | 76°18'09.0" W. |
| 36°50'50.3" N. | 76°18'07.8" W. |
| 36°50'56.2" N. | 76°18'12.5" W. |
| 36°51'01.8" N. | 76°18'32.3" W. |

(iii) Anchorage O, The Hague. The waters of the basin known as "The Hague", north of the Brambleton Avenue Bridge, except for the area within 100 feet of the bridge span that provides access to and from the Elizabeth River.

(6) Anchorage Q, Quarantine Anchorage. The waters bounded by a line connecting the following points:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 37°17'13.7" N. | 76°06'41.6" W. |
| 37°17'30.3" N. | 76°05'53.9" W. |
| 37°16'25.0" N. | 76°05'18.4" W. |

37°16'08.4" N

76°06'06.0" W.

(A) Anchorage Berth Q-1. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 37°17'05.7" N. | 76°06'08.9" W. |

(B) Anchorage Berth Q-2. The waters bounded by the arc of a circle with a radius of 500 yards with the center located at:

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 37°16' 33.0" N. | 76°05'51.1" W. |

(b) Definitions. As used in this section--

Class 1 (explosive) materials means Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined in 49 CFR 173.50.

Dangerous cargo means "certain dangerous cargo" as defined in § 160.204 of this title.

U.S. naval vessel means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

(c) General regulations. (1) Except as otherwise provided, this section applies to vessels over 20 meters long and vessels carrying or handling dangerous cargo or Class 1 (explosive) materials while anchored in an anchorage ground described in this section.

(2) Except as otherwise provided, a vessel may not occupy an anchorage for more than 30 days, unless the vessel obtains a permit from the Captain of the Port.

(3) Except in an emergency, a vessel that is likely to sink or otherwise become a menace or obstruction to navigation or to the anchoring of other vessels, may not occupy an anchorage, unless the vessel obtains a permit from the Captain of the Port.

(4) The Captain of the Port may, upon application, assign a vessel to a specific berth within an anchorage for a specified period of time.

(5) The Captain of the Port may grant a revocable permit to a vessel for a habitual use of a berth. Only the vessel that holds the revocable permit may use the berth during the period that the permit is in effect.

(6) The Commander, Fifth Coast Guard District, may authorize the establishment and placement of temporary mooring buoys within a berth. Placement of a fixed structure within an anchorage may be authorized by the District Engineer, U.S. Army Corps of Engineers.

(7) If an application is for the long-term lay up of a vessel, the Captain of the Port may establish special conditions in the permit with which the vessel must comply.

(8) Upon notification by the Captain of the Port to shift its position within an anchorage, a vessel at anchor must get underway at once or signal for a tug. The vessel must move to its new location within 2 hours after notification.

(9) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorages described in this section, including, but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communications guards on selected radio frequencies.

(10) A vessel that does not have a sufficient crew on board to weigh anchor at any time must have two anchors in place, unless the Captain of the Port waives this requirement. Members of the crew may not be released until the required anchors have been set.

(11) No vessel at anchor or at a mooring within an anchorage may transfer oil to another vessel unless the vessel has given the Captain of the Port the four hours advance notice required by § 156.118 of this title.

(12) Barges may not anchor in the deeper portions of anchorages or interfere with the anchoring of deep-draft vessels.

(13) Barges towed in tandem to an anchorage must be nested together when anchored.

(14) Any vessel anchored or moored in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or Monitor-Merrimac Bridge Tunnel (MMBT) must be capable of getting underway within 30 minutes with sufficient power to keep free of the bridge tunnel complex.

(15) A vessel may not anchor or moor in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or Monitor-Merrimac Bridge Tunnel (MMBT) if its steering or main propulsion equipment is impaired.

(d) Regulations for vessels handling or carrying dangerous cargoes or Class 1 (explosive) materials. This paragraph applies to every vessel, except a naval vessel, handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(1) Unless otherwise directed by the Captain of the Port, each commercial vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must be anchored or moored within Anchorage Berth E-1.

(2) Each vessel, including each tug and stevedore boat, used for loading or unloading dangerous cargoes or Class 1 (explosive) materials in an anchorage, must carry a written permit issued by the Captain of the Port.

(3) The Captain of the Port may require every person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, to hold a form of valid identification.

(4) Each person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, must present the pass or other form of identification prescribed by paragraph (d)(4) of this section to any Coast Guard boarding officer who requests it.

(5) The Captain of the Port may revoke at any time a pass issued under the authority of paragraph (d)(4) of this section.

(6) Each non-self-propelled vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must have a tug in attendance at all times while at anchor.

(7) Each vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while at anchor must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light.

(e) Regulations for Specific Anchorages. (1) Anchorages A, B, C, and D. Except for a naval vessel, military support vessel, or vessel in an emergency situation, a vessel may not anchor in Anchorages A, B, C, or D without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Amphibious Base Little Creek, before granting a vessel permission to anchor in Anchorages A, B, C, or D.

(2) Anchorage E. (i) A vessel may not anchor in Anchorage E without a permit issued by the Captain of the Port.

(ii) The Captain of the Port must give commercial vessels priority over naval and public vessels.

(iii) The Captain of the Port may at any time revoke a permit to anchor in Anchorage E issued under the authority of paragraph (e)(4)(i) of this section.

(iv) A vessel may not anchor in Anchorage Berth E-1, unless it is handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(v) A vessel may not anchor within 500 yards of Anchorage Berth E-1 without the permission of the Captain of the Port, if the berth is occupied by a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(3) Anchorage F. A vessel having a draft less than 45 feet may not anchor in Anchorage F without the permission of the Captain of the Port. No vessel may anchor in Anchorage F for a longer period than 72 hours without permission from the Captain of the Port. Vessels expecting to be at anchor for more than 72 hours must obtain permission from the Captain of the Port.

(4) Anchorage G. (i) Except for a naval vessel, a vessel may not anchor in Anchorage G without the permission of the Captain of the Port.

(ii) When handling or transferring Class 1 (explosive) materials in Anchorage G, naval vessels must comply with Department of Defense Ammunition and Explosives Safety Standards, or the standards in this section, whichever are the more stringent.

(iii) When barges and other vessels are berthed at the Ammunition Barge Mooring Facility, located at latitude 36° 58' 34" N., longitude 76° 21'12" W., no other vessel, except a vessel that is receiving or offloading Class 1 (explosive) materials, may anchor within 1,000 yards of the Ammunition Barge Mooring Facility. Vessels transferring

class 1 (explosive) materials must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light.

(iv) Whenever a vessel is handling or transferring Class 1 (explosive) materials while at anchor in Anchorage G, no other vessel may anchor in Anchorage G without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Base Norfolk, before granting a vessel permission to anchor in Anchorage G.

(v) A vessel located within Anchorage G may not handle or transfer Class 1 (explosive) materials within 400 yards of Norfolk Harbor Entrance Reach.

(vi) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of another anchored vessel, unless the other vessel is also handling or transferring Class 1 (explosive) materials.

(vii) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of Anchorage F or H.

(5) Anchorage I: Anchorage Berths I-1 and I-2. A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth I-1 or I-2 without the permission of the Captain of the Port.

(6) Anchorage K: Anchorage Berths K-1 and K-2. A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth K-1 or K-2 without the permission of the Captain of the Port.

(7) Anchorage N. Portions of this anchorage are a special anchorage area under § 110.72aa of this part during marine events regulated under § 100.501 of this chapter.

(8) Anchorage O. (i) A vessel may not anchor in Anchorage O unless it is a recreational vessel.

(ii) No float, raft, lighter, houseboat, or other craft may be laid up for any reason in Anchorage O without the permission of the Captain of the Port.

(9) Anchorage Q: Quarantine Anchorage. (i) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities may anchor in Anchorage Q.

(ii) Every vessel using Anchorage Q must be prepared to move promptly under its own power to another location when directed by the Captain of the Port, and must promptly vacate Anchorage Q after being examined and released by authorities.

(iii) When any vessel using Anchorage Q is under the charge of a pilot, the pilot must remain on board while the vessel is in Anchorage Q.

(iv) Any non-self-propelled vessel using Anchorage Q must have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

(v) Any non-self-propelled vessel using Anchorage P must have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

10. Anchorage Grounds and Safety Zone: Delaware Bay and River

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Delaware Bay and River around the Weeks Dredge and Barge 312 and placing additional requirements on vessels in Anchorage 6 off Deepwater Point, Anchorage 7 off Marcus Hook, and Anchorage 9 near the entrance to Mantua Creek. The Army Corps of Engineers dredges parts of the Delaware River including the Marcus Hook Range Ship Channel to maintain congressionally authorized depths. These regulations will help ensure the safety of vessels transiting the channel as well as vessels engaged in dredging operations.

DATES: This rule is effective from **September 15 to December 31, 2004.**

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-03-172 and are available for inspection or copying at Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania, 19147, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Kevin Sligh or Lieutenant Junior Grade Toussaint Alston, Coast Guard Marine Safety Office Philadelphia, at (215) 271-4889.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and (d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after publication in the Federal Register. Allowing for a comment period is impracticable and contrary to public interest, since immediate action is needed to protect mariners against potential hazards associated with dredging operations in the Marcus Hook Range Ship Channel and to modify the anchorage regulations to facilitate vessel traffic. However, advance notification will be made to affected mariners via marine information broadcasts.

Background and Purpose

The U.S. Army Corps of Engineers (USACE) conducts dredging operations on the Delaware River in the vicinity of the Marcus Hook Range Ship Channel to maintain the forty-foot project depth.

To reduce the hazards associated with dredging the channel, vessel traffic that would normally transit through the Marcus Hook Range Ship Channel will be diverted through part of Anchorage 7 off Marcus Hook ("Anchorage 7") during the dredging operations. Therefore, additional requirements and restrictions on the use of Anchorage 7 are necessary. For the protection of mariners transiting in the vicinity of dredging operations, the Coast Guard is also establishing a safety zone around the dredging vessels, Weeks Dredge and Barge 312. The safety zone is intended to protect mariners from the potential hazards associated with dredging operations and equipment.

Discussion of Temporary Final Rule

Currently paragraph (b)(2) of 33 CFR 110.157 allows vessels to anchor for up to 48 hours in the anchorage grounds listed in Section 110.157(a), which includes Anchorage 7. However, because of the temporary re-routing of vessel traffic through Anchorage 7, the Coast Guard is adding a paragraph (b)(11) in 33 CFR 110.157 to provide additional requirements and restrictions on vessels using Anchorage 7. During the effective period, vessels desiring to use Anchorage 7 must obtain permission from the Captain of the Port Philadelphia at least 24 hours in advance. The Captain of the Port will permit only one vessel at a time to anchor in Anchorage 7 and will grant permission on a "first come, first served" basis. A vessel will be directed to a location within Anchorage 7 where it may anchor, and will not be permitted to remain in Anchorage 7 for more than 12 hours.

Any vessel that is arriving from or departing for sea requiring an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case by case basis.

When Anchorage 7 is occupied, the Coast Guard expects that vessels normally permitted to anchor in Anchorage 7 will use Anchorage 6 off Deepwater Point ("Anchorage 6") or Anchorage 9 near the entrance to Mantua Creek ("Anchorage 9"), because they are the closest anchorage grounds to Anchorage 7. To control access to Anchorage 7, the Coast Guard is requiring a vessel desiring to anchor in Anchorage 7 obtain advance permission from the Captain of the Port. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channels 13 and 16. To control access to Anchorages 6 and 9, the Coast Guard is requiring any vessel 700 feet or greater in length to obtain advance permission from the Captain of the Port before anchoring. The Coast Guard is also concerned that the holding ground in Anchorages 6 and 9 is not as solid as it is in Anchorage 7. Therefore, a vessel 700 to 750 feet in length is required to have one tug standing alongside while at anchor and a vessel over 750 feet in length must have two tugs standing alongside. The tug must be of sufficient size and horsepower to prevent an anchored vessel from swinging into the channel.

The Coast Guard is also establishing a safety zone within a 150-yard radius of the dredging operations being conducted in the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7, by the Weeks Dredge Barge 312. The safety zone is intended to protect mariners transiting the area from the potential hazards associated with dredging operations. Vessels transiting the Marcus Hook Range Ship Channel will have to divert from the main ship channel through Anchorage 7 and must operate at the minimum safe speed necessary to maintain steerage and reduce wake. No vessel may enter the safety zone unless permission is received from the Captain of the Port.

Regulatory Evaluation

This temporary rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation requires certain vessels to have one or two tugs alongside while at anchor, the requirement only applies to vessels 700 feet or greater in length that choose to anchor in Anchorages 6 and 9. Alternate anchorage grounds such as Anchorage A (Breakwater) and Anchorage 1 (Big Stone) in Delaware Bay, are reasonably close and generally available. Vessels anchoring in Anchorages A and 1 are not required to have tugs alongside, except when specifically directed to do so by the Captain of the Port because of a specific hazardous condition. Furthermore, few vessels 700 feet or greater are expected to enter the port during the effective period. The majority of vessels expected to anchor are less than 700 feet and thus will not be required to have tugs alongside.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule's greatest impact is on vessels greater than 700 feet in length, which choose to anchor in Anchorages 6 and 9. This rule will have virtually no impact on any small entities. Therefore, the Coast Guard certifies under section 605(b) of the regulatory Flexibility Act (5 U.S.C. 605(b)) that this will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of federal employees who enforce or otherwise determine compliance with federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guards, call 1-888-REG-FAIR (1-888-743-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321-43701, and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore this rule is categorically excluded under figure 2-1, paragraph (34)(f) and (g) of the Instruction from further environmental documentation.

List of Subjects

33 CFR Part 110

Anchorage Grounds

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 110 and 165 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; Department of Homeland Security Delegation No. 0170.1 and 33 CFR 1.05-1(g).

2. Amend § 110.157 ~~(b)(11)~~, by adding paragraphs ~~(b)(11)~~, (b)(11)(i), (b)(11)(ii)(a)(b)(c)(d), and (b)(11)(iii) to read as follows:

§ 110.157 Delaware Bay and River

(b) ***

(11) From September 15 until December 31 2004, additional requirements and restrictions in this paragraph for the use of anchorages defined in paragraphs (a)(7), (a)(8), and (a)(10) of this section apply.

(i) Before anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a "first-come, first-served" basis. The Captain of the Port, Philadelphia will allow only one vessel at a time to be at anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours. Any vessel that is arriving from or departing for sea that requires an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case-by-case basis.

(ii) For Anchorage 6 off Deepwater Point, as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(a) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(b) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(c) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(d) The Master, owner or operator of a vessel at anchor shall ensure that any tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) As used in this section, Captain of the Port means the Captain of the Port, Philadelphia, Pennsylvania or any Coast Guard commissioned, warrant, or petty officer authorized to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channels 13 and 16.

PART 165--REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(G), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

~~2.~~Add temporary § 165.T172. to read as follows:

§ 165.T172 Safety Zone; Delaware River

(a) Definition. As used in this section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channels 13 and 16.

(b) Location. The following area is a safety zone:

Between September 15th and December 31st, ~~annually~~, all waters located within a 150-yard radius arc centered on the dredging operation and barge, conducting dredging operations in or near the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7.

(c) Regulations.

~~(1)~~ All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23 of this part.

~~(2)~~ All Coast Guard vessels enforcing this safety zone or watch officers aboard the Dredge and Barge can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

SALLY BRICE-O'HARA

Rear Admiral, U.S. Coast Guard
Commander, Fifth Coast Guard District

